7-24-85
Vol. 50 No. 142
Pages 30127-30260

federal register

Wednesday
July 24, 1985

Selected Subjects

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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Selected Subjects

Contents

Federal Register
Vol. 50, No. 142
Wednesday, July 24, 1985

Separate Parts in This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and findings aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5358 30127

7 CFR
800 30129
1205 30131
Proposed Rules:
51 30199
989 30200
1032 30203
1036 30204
1050 30203

8 CFR
287 30133

14 CFR
71 30134
Proposed Rules:
71 30206

17 CFR
1 (2 documents) 30135, 30140

18 CFR
37 30141
154 30141
Proposed Rules:
37 30207

20 CFR
401 30144

21 CFR
176 30144
177 (3 documents) 30144–30146
178 (2 documents) 30147, 30148
182 30149
184 30149
524 30152
801 30153
Proposed Rules:
2 30210
680 30211

24 CFR
201 30154
203 30154
234 30154

26 CFR
1 30160
602 30160

37 CFR
201 30169
202 30169

40 CFR
180 30172
Proposed Rules:
798 30213
799 30213

42 CFR
405 30172
412 30172

44 CFR
67 30173

47 CFR
73 (2 documents) 30187
Proposed Rules:
15 30213

49 CFR
1104 30188
1105 30188
1151 30188
1152 30188
1155 30188
1160 30188
1180 30188

50 CFR
17 30188
661 30195
663 30195
681 30198

Federal Register
Vol. 50, No. 142
Wednesday, July 24, 1985

Presidential Documents

Title 3—

The President

Proclamation 5358 of July 20, 1985

Space Exploration Day, 1985

By the President of the United States of America

A Proclamation

Sixteen years ago, on July 20, 1969, American Astronauts sent a message to Earth: "The Eagle has landed." In a dramatic and compelling moment in history, the first humans had reached solid ground beyond our own planet.

To understand Earth systems we must understand our solar system and the universe beyond. Remotely controlled satellites have been sent on missions to Mars, Saturn, and Jupiter. If all goes well, the outer planets Uranus and Neptune will be studied as the Voyager spacecraft passes by in 1986 and 1989, respectively. Within the next year or so the first comet rendezvous are planned (Giacobini-Zinner and Halley), the powerful Hubble Space Telescope will be placed in orbit, and the Galileo Mission to Jupiter will be launched. Scientists around the world eagerly anticipate the results.

The space shuttle continues to demonstrate and expand its capabilities with each successive flight. Within the past year, satellites have been launched from the shuttle's bay, repaired in space, and retrieved and returned to Earth for repair. We have conducted missions in which a European-designed and built scientific laboratory—Spacelab—has flown in the shuttle bay's gravity-free environment during which data in a wide range of disciplines have been acquired, materials tested, and chemical reactions monitored.

Under NASA's direction, the next logical step in America's space program—the space station—is being planned, with development scheduled for the latter part of this decade. When it becomes operational in the early to mid-1990s, the space station will be a catalyst for expanding the peaceful uses of space for scientific, industrial, and commercial gain. The station will serve as a laboratory for materials processing and industrial and scientific research; as a permanent observatory for astronomy and Earth observations; as a storage and supply depot; and as a base from which to service other satellites or satellite clusters that will form the world's first space-based industrial park. Japan, Europe, and Canada have joined with us in partnerships that are designed to serve all our long-term interests.

Space exploration is little more than a quarter century old. In that brief period, more has been learned about the cosmos and our relation to it than in all the preceding centuries combined. The ever-increasing knowledge gained from peaceful space exploration, and the uses to which that knowledge is put, potentially benefit all those aboard Spaceship Earth. The spirit of July 20, 1969, lives on.

In recognition of the achievements and promise of our space exploration program, the Congress, by Senate Joint Resolution 154, has designated July 20, 1985, as "Space Exploration Day" and authorized and requested the President to issue a proclamation to commemorate this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 20, 1985, as Space Exploration Day. I call upon the people of the United States to observe the occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of July, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 85-17750
Filed 7-23-85; 11:59 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 50, No. 142
Wednesday, July 24, 1985

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Official Services Performed by Agencies

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: In compliance with the requirement for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS or Service) is revising its regulations under the United States Grain Standards Act, as amended, concerning the Fees for Official Services Performed by Agencies. This final rule will revise the approval requirements for agency fees and add or restate certain conditions for determining if the fees are reasonable and nondiscriminatory. In addition, it will require that fee schedules include fees for all official services which agencies are delegated or designated the authority to perform, and that fee schedules be prepared in a standard format. These changes clarify, update, and restate certain provisions so as to facilitate use of the regulations.

EFFECTIVE DATE: August 23, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. The action has been classified as nonmajor because it does not meet the criteria for major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and those entities that perform these services do not meet the requirements for small entities.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and section 3504(h) of this Act, the information collection and recordkeeping requirements contained in this final rule have been approved by OMB. No comments concerning these requirements were received during the comment period.

Final Action

The review of the regulations concerning fees for official services performed by agencies included a determination of the continued need for and consequences of the regulations. An objective of the review was to ensure that the regulations are serving their intended purpose, the language is clear, and the regulations are consistent with FGIS policy and authority. FGIS has determined that, in general, these regulations are serving their intended purpose, are consistent with FGIS policy and authority, and should remain in effect. However, in the October 17, 1984, **Federal Register** (49 FR 40582), FGIS proposed certain revisions to the regulations. FGIS received seven comments to the proposed rule which allowed 60 days for public comment. FGIS proposed to revise § 800.70 by:

1. Amending paragraph (b) *Approval required* by removing the provision for interim approval of certain fee schedules, adding the requirement that only fees which meet the requirements stated in this section may be charged by an agency, and adding a general provision for case-by-case exceptions to the fee schedule approval requirements.

When the curent regulation was promulgated on March 11, 1980, an exception provision was established to provide interim approval of all agency fee schedules which were in effect on March 11, 1980. Since then, all agencies have received approval of their revised fee schedules. Therefore, this exception clause is no longer necessary.

Currently, § 800.70 provides that only fees which are approved as reasonable and nondiscriminatory may be charged by an agency. However, in reaching this determination, there are certain criteria used in applying these two standards in § 800.70 which are considered during the review for approval process. FGIS is clarifying this section to state that agency fees must meet all the requirements of § 800.70 as a condition for approval.

FGIS recognizes that all agencies may not be able to meet all of the requirements unconditionally. Therefore, FGIS is also amending the regulations to grant case-by-case exceptions to the requirements of § 800.70 if the proposed exception can be justified by the agency, and if a determination is made that the agency's fees are reasonable and nondiscriminatory. The proposed language is clarified in this final rule to specify that an agency must show good cause. These provisions reflect more clearly the Service's policy for approving agency fee schedules.

2. Adding a new paragraph (c)(4), requiring that fees be supported by sufficient information showing how they were developed. Such information is needed by FGIS to help determine whether the fees are reasonable.

3. Amending paragraph (e) *Schedule of fees to be established* by adding the requirement that fee schedules include fees for all official services which agencies are delegated or designated the authority to perform, and be in a standard format in accordance with instructions issued by the Service.

Currently, many agencies provide fees only for services which are customarily requested in their geographic area. When an applicant requests an official service which is not addressed in an agency fee schedule, the agency must revise its fee schedule and request FGIS approval of the proposed revision. Some fee revision requests woud be eliminated if each agency were required to provide a fee for all official services

which the agency is delegated or designated the authority to perform. This requirement will promote consistency among agency fee schedules and will make the schedules more informative to applicants for official services.

At present, there is not a standard fee schedule format. The inconsistencies in format among agency fee schedules impede understanding and cause misinterpretations of the fees and charges. A standard fee schedule format will provide a needed degree of consistency and clarity. Additionaly, FGIS' review of agency fee schedules would be made easier if all agencies used a standard fee schedule format.

4. Amending paragraph (f) *Request for approval of fees* by changing the request for approval time requirement to not less than 30 days in advance of the proposed effective date for the fees. Currently, agencies are required to submit requests for approval of new or revised fees to FGIS not less than 60 days in advance of the proposed effective date for the fees. However, unanticipated workload changes often require agencies to request that fee schedule revisions be effective in less than 60 days from the date of the request. FGIS proposed 30 days as representing a more reasonable time period. However, based on comments received, FGIS is retaining the current 60-day request for approval time requirement. Also, the sentence referring to case-by-case exceptions to the approval time requirement is not needed because FGIS is granting case-by-case exceptions to the requirements of § 800.70 under paragraph (b)(2).

5. Miscellaneous non-substantive grammatical and format changes are being made to § 800.70 to clarify and facilitate the use of the regulations.

The commenters, in general, supported the proposed changes. However, concern was expressed in three specific areas.

In response to the provision requiring that fees be supported by sufficient information showing how they were developed, one commenter stated that this regulation would create an additional burden on agencies which attempt to amend fee schedules. The commenter questioned the value of such fee development information to FGIS as a criterion for determining reasonable fees and the propriety of FGIS to determine what is a reasonable return on investments for a private business.

FGIS was not proposing a new requirement to be a condition for agency fee schedule approval. The current regulation requires that all fee schedule approval requests shall show in detail how the fees were developed. As such, this regulation does not impose an additional burden on agencies which attempt to amend fee schedules, as the commenter suggests. This information assists in determining whether an agency's fees are reasonable, thereby justifying fee revision requests. It also provides sufficient data upon which FGIS can ascertain whether approval of a particular fee schedule is appropriate. However, FGIS does not make determinations as to what a reasonable return on investments for a private business is. As such, the commenter's concern as to information usage in this area is unnecessary.

Four commenters opposed the provision which would have changed the request for approval time requirement from 60 days to 30 days in advance of the fee effective date. The commenters stated that a 30-day request for approval time requirement in advance of the fee effective date would not provide users of agencies' services with adequate advance notification to make necessary operational planning and budget decisions. One of the commenters also suggested that FGIS should require that fee schedule revisions become effective no sooner than 30 days after being approved by FGIS. Further, the same four commenters stated that FGIS should require agencies to provide advance notice of all fee changes to users of the agenices' services. Two of those commenters suggested that FGIS should require agencies to notify customers concurrently with any request for FGIS approval of revised fees. The other two commenters suggested that FGIS should require agenices to notify customers at least 90 days before fee revisions become effective.

FGIS proposed a 30-day period to assist agencies in meeting unanticipated workload changes which made the agencies request exceptions to the 60-day advance approval time requirement. Some comments received expressed concern with respect to applicants' advance notification to make their own necessary operational planning and budget decisions. In view of these concerns, FGIS is retaining the present 60-day approval time requirement. However, agencies still may, for good cause shown, request an exception to this requirement. The 60-day period will continue to afford agencies a longer period of time in which to inform applicants for service of proposed or approved fee schedule changes.

In any event, FGIS did not propose any requirement that agencies be required to notify applicants for service in advance of any proposed or approved fee changes. Therefore, any such amendment would not be appropriate in this final rule. Good business practice would seem to dictate that agencies notify their customers of fee changes reasonably in advance of fee changes and as such this matter may more appropriately be left to such practices due to the many variables involved in revising fee schedules.

One commenter opposed the reasonable fee criterion that fees be assessed on the basis of the average cost of performing the same or similar services at all locations served by the agency because of reasonable agency costs that differ depending upon location and their inequitable impact on users of official services. The commenter suggested that the regulations should allow the agency to assess fees on the basis of the average costs of performing the same or similar service at all locations serviced by the agency or to assess fees based on the cost of performing the service at individual specified service points.

The commenter seems to suggest that the current regulations require agencies to assess the identical total charges from all applicants for same or similar services at all locations served by the agency. However, there are variables which agencies may consider when formulating fees, such as workload fluctuations at specified service points and time and travel expenses incurred at locations away from specified service points. The current regulations are intended to assure that agencies assess the same base fee for the same or similar services at all locations within their geographic boundaries. However, the FGIS Instruction which implements these regulations permits agencies to assess minimum fees in order to gurarantee cost recovery at all locations served by the agency. Also, agencies may assess additional charges to applicants to cover expenses for time and travel at locations away from specified service points. Accordingly, the current regulations and related Instruction take into consideration the variable expenses incurred by agencies and as such do not foster an inequitable distribution of costs to applicants within an agency's geographic boundaries, as the comment suggests. Therefore, the commenter's suggestion that agencies be allowed to choose between assessing fees based on average costs or on individual specified service point costs would not be appropriate.

One comment addressed FGIS' fees and was not relevant to the regulations on fees for official services performed by agencies.

Based on the comments received and all other information available, FGIS is revising § 800.70 of the regulations as follows:

1. Amending paragraph (b) by removing the provision for interim approval of certain fee schedules, adding the requirement that only fees which meet the requirements stated in this section may be charged by an agency, and adding a general provision for case-by-case exceptions to the fee schedule approval requirements. These provisions reflect more clearly the Service's policy for approving agency fee schedules.

2. Adding a new paragraph (c)[4], requiring that fees be supported by sufficient information showing how they were developed. Such information is needed by FGIS to help determine whether the fees are reasonable.

3. Amending paragraph (e) by adding the requirement that fee schedules shall include fees for all official services which agencies are delegated or designated the authority to perform, and be in a standard format in accordance with instructions issued by the Service. These changes will provide a needed degree of consistency and clarity.

4. Removing the sentence under paragraph (f) which refers to case-by-case exceptions to the approval time requirement. Paragraph (b)(2) will establish provisions for case-by-case exceptions to the requirements of § 800.70.

5. Making miscellaneous non-substantive grammatical and format changes to clarify and facilitate the use of the regulations.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

PART 800—GENERAL REGULATIONS

Fees

Accordingly, 7 CFR Part 800 of the regulations is amended by revising § 800.70 (b), (c), (d), (e)(1), and (f)(1) to read as follows:

The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

§ 800.70 Fees for official services performed by agencies.

* * * * *

(b) *Approval required.*—(1) *Restriction.* Only fees that meet the requirements stated in this section and are approved by the Service as reasonable and nondiscriminatory may be charged by an agency.

(2) *Exceptions.* For good cause shown by an agency, the Administrator may grant case-by-case exceptions to the requirements in this section, provided that a determination is made that the agency fees would be reasonable and nondiscriminatory.

(c) *Reasonable fees.* In determining if an agency's fees are reasonable, the Service will consider whether the fees: (1) Cover the estimated total cost to the agency of (i) official inspection services, (ii) Class X or Class Y weighing services, (iii) inspection equipment testing services, and (iv) related supervision and monitoring activities performed by the agency; (2) Are reasonably consistent with fees assessed by adjacent agencies for similar services; (3) Are assessed on the basis of the average cost of performing the same or similar services at all locations served by the agency; and (4) Are supported by sufficient information which shows how the fees were developed.

(d) *Nondiscriminatory fees.* In determining if fees are nondiscriminatory, the Service will consider whether the fees are collected from all applicants for official service in accordance with the approved fee schedule. Charges for time and travel incurred in providing service at a location away from a specified service point shall be assessed in accordance with the approved fee schedule.

(e) *Schedule of fees to be established.* (1) Each agency shall establish a schedule of fees for official services which the agency is delegated or designated the authority to perform. The schedule shall be in a standard format in accordance with the instructions. Such schedules may include fees for nonofficial services provided by the agency, but they shall be clearly identified and will not be subject to approval by the Service.

* * * * *

(f) *Request for approval of fees.*—(1) *Time requirement.* A request for approval of a new or revised fee shall be submitted to the Service not less than 60 days in advance of the proposed effective date for the fee. Failure to submit a request within the prescribed time period may be considered grounds for postponment or denial of the request.

* * * * *

(Approved by the Office of Management and Budget under control number 0580-0012)

Dated: July 9, 1985.

Kenneth A. Gilles,

Administrator.

[FR Doc. 85-17543 Filed 7-23-85; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 1205

Supplemental Cotton Research and Promotion Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Cotton Board Rules and Regulations by increasing the supplemental assessment levied on upland cotton to finance a cotton research and promotion program. The change is based on the Cotton Board's recommendation to the Secretary of Agriculture that the supplemental per bale assessment be increased to six-tenths of one percent of the value of the cotton from the present rate of four-tenths of one percent. Additional funds will be used to offset the effects of increased costs and competition from synthetic fibers and foreign produced cotton, and to sustain the effectiveness of the research and promotion program.

EFFECTIVE DATE: July 24, 1985.

FOR FURTHER INFORMATION CONTACT: Naomi Hacker, Chief, Research and Promotion Staff, Cotton Division, AMS, USDA, Washington, DC 20250, 202/447-2259.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined not to be a "major rule" since it does not meet the criteria for a major regulatory action as stated in the Order.

William T. Manley, Deputy Administrator, AMS has certified that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (i) Contributions to the support of the cotton research and promotion program are voluntary since cotton producers are entitled to a complete refund of assessments collected; (ii) the assessment will not affect the competitive position or market access of small entities in the cotton industry; (iii) the benefits of the cotton research and promotion program (stimulation of consumer demand for cotton, increased market share for cotton products) accrue to all U.S. cotton producers regardless of size or degree of support for the program; and (iv) the supplemental assessment is directly related to the current market value of the bale of cotton.

Since the harvesting of the 1985 cotton crop begins in July, it is necessary to implement the increased assessment less than 30 days after the publication date to insure that a uniform rate of assessment is levied on all of the cotton handled throughout 1985. Accordingly, under the administrative provisions of 5 U.S.C. 553, good cause is found for making this action effective upon publication.

Background

The Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101 *et seq.*) and the implementing Order provide for the operation and funding of a producer financed cotton research and promotion program designed to maintain and expand markets for U.S. cotton. The program is administered by a 19-member Cotton Board, appointed by the Secretary of Agriculture, which represents cotton producers in each cotton-producing state. The Cotton Board reviews research, advertising, sales, promotion and development projects and related budgets developed by Cotton Incorporated, a contracting organization established to carry out such projects (7 CFR 1205.328). The Board makes recommendations concerning these projects and budgets to the Secretary of Agriculture who has final budget approval authority.

A per-bale assessment is collected from the producer by the first buyer of the cotton and transmitted to the Cotton Board to be used to finance research and promotion projects. Cotton producers are entitled to a full refund of assessments collected from them (7 CFR 1205.520). Initially, the Cotton Research and Promotion Act of 1966 (Act) authorized a flat $1 per bale assessment. On July 14, 1976, the Act was amended (7 U.S.C. 2106(e)) to authorize a supplemental assessment to be collected in addition to the existing levy of $1 per bale that was not to exceed one percent of the value of the cotton. The Cotton Board recommended that the supplemental assessment rate be fixed at four-tenths of one percent of the value of the cotton starting with the 1977 crop (41 FR 50270). It also recommended that the Order be amended to enable the Cotton Board, with the approval of the Secretary, to increase or decrease the rate of the supplemental assessment for subsequent crops. Any such adjustment would be within the one percent limit.

These recommendations were subject to approval in a producer referendum as described in Section 8 of the Act (7 U.S.C. 2107). The referendum was conducted during the period December 13–17, 1976. The proposed amendments to the Order were approved and published in the **Federal Register** January 26, 1977 (42 FR 4813). The Cotton Board Rules and Regulations were subsequently amended to implement the supplemental assessment of four-tenths of one percent of the value of cotton effective July 15, 1977 (42 FR 35974).

Proposed Rule

The Cotton Board's recommendation to increase the supplemental assessment to six-tenths of one percent of the value of each bale of cotton was published as a proposed rule in the June 19, 1985 **Federal Register** at 50 FR 25425.

The Cotton Board's basis for recommending the increase is that additional funding for program activities as carried out by Cotton Incorporated is necessary to strengthen cotton's competitive position and to maintain and expand markets and uses for United States upland cotton. Even though the supplemental assessment is directly related to the current value of a bale of cotton, the ratio between the value of cotton and increased program costs has reduced available funds in real terms to pay for advertising, sales, research, promotion and development activities. For example, the purchasing power of the advertising dollar dropped from $1 in 1978 to 46 cents in 1984 and an estimated 41 cents in 1985. This reduced purchasing power has diminished the Cotton Board's ability to effectively fund, maintain, or expand program activities that are needed more than ever in view of increased competition from foreign growths and synthetics.

Because the basic assessment of $1 per bale of cotton handled will remain unchanged, the net effect of the increase in the supplemental assessment is to raise the average per-bale collection from approximately $2.15 to $2.75. Without the increase, severe program cutbacks would result in 1986. Also, the projected additional revenue generated by the increase will provide for a reasonable reserve and contribute to greater program funding stability from year to year.

Further, the increasing costs which need to be matched with increased funding are costs attributed to the projects carried out by Cotton Incorporated, and are not reflective of the Cotton Board's costs of administration.

Comments

Comments on the proposed rule were solicited from interested parties until July 9, 1985.

Thirteen farm organizations in cotton-producing states, the National Cotton Council, representing all segments of the cotton industry, and one individual cotton producer expressed support for the increase.

Two farm organizations in a cotton producing state and four individual cotton producers have stated they are not in favor of the increase.

Generally, the views expressed in favor of the proposal are covered in the following excerpts from three of the letters of support:

—"We realize that the current cotton economy is stressed and producers are hard pressed with increasing costs. However, in the long range it is essential to maintain a viable, effective research and promotion program to help reduce costs and develop new markets for our cotton products."

—"This additional funding is needed now more than ever due to increased costs and foreign competition and will help cotton compete with other fibers and foreign grown cotton in today's very competitive markets."

—"Inflation has eroded the funds available to the point that not only the advertising impressions are cut drastically but other essential functions are being curtailed."

Two cotton producer associations oppose the proposed increase because economic conditions are currently unfavorable for cotton producers, and because of concern over whether an increase might trigger increased refunds.

One association commented,

—"While the need for funding, and perhaps additional funding, is recognized, it is felt that the timing of this increase is especially poor. Given the present economic plight of the cotton farmer, an additional expense is simply unacceptable, no matter how desirable the increase in funding might be."

Another association cautioned,

—"Producers already are in dire financial straits and no relief is in sight. Therefore, we are concerned that increasing the producer's contribution to CI from about $2.15 to $2.75 per bale might result in a higher level of refund requests, more than offsetting the higher gross receipts."

Two producers stated that the increase would result in withdrawal of support for the program.

Final Rule

A majority of the comments, including those of the major cotton industry association, were in support of the proposed increase, and the Department

recognizes the need for additional funds to assure the continuity and effectiveness of the research and promotion program. Therefore, after carefully evaluating the comments and all other relevant factors, the Department has decided to approve the Cotton Board's recommendation to increase the supplemental research and promotion assessment. The Cotton Board rules and regulations are being amended pursuant to the enabling provision in the Order (7 CFR 1205.331(b)). This amendment will not alter or limit a producer's right to obtain a refund of any assessment levied against his or her cotton.

Paragraph (b) of § 1205.510, Levy of assessment, is amended to state that the supplemental assessment shall be levied at the rate of six-tenths of one percent of the value of cotton, instead of four-tenths of one percent. This change is made in the narrative text of paragraph (b) and in the footnote to the assessment chart set forth in the same paragraph.

In addition, the assessment chart is amended by changing the figures in the column headed "Supplemental assessment dollars per bale". The changes reflect the proposed increase in the supplemental assessment. The assessment chart is used to calculate the per bale assessment levied on the current value of cotton converted to a fixed amount per bale. Use of this chart provides a simple and orderly procedure for calculating the assessment by collecting handlers who do not have computerized accounting systems.

This final rule differs from the proposed rule in one respect. The proposed rule stated that the increased assessment would be levied on cotton harvested and ginned on and after July 1, 1985. This was incorrect since the comment period for the proposed rule did not expire until July 9, 1985. The final rule, as amended, states that the increased assessment will be levied on cotton harvested and ginned on and after July 24, 1985.

As required by 1 CFR 18.20 (46 FR 1762, January 22, 1981), the following are the indexing terms for this regulation:

List of Subjects in 7 CFR Part 1205

Cotton, Administrative practice and procedure, Research and promotion, Cotton Board, Producer assessments, Producer refunds.

PART 1205—[AMENDED]

Accordingly, Part 1205 of Chapter II, title 7 of the Code of Federal Regulations is amended as shown.

1. The authority citation for Part 1205 continues to read as follows:

Authority: Sec. 15, 80 Stat. 285, 7 U.S.C. 2114; Sec. 7, 80 Stat. 281, 7 U.S.C. 2106.

2. Section 1205.510 is amended by revising paragraph (b) to read as follows:

§ 1205.510 Levy of assessment.

* * * * *

(b) A supplemental assessment for cotton research and promotion in addition to the $1 per bale assessment provided in paragraph (a) of this section, is hereby levied on each bale of upland cotton harvested and ginned on and after July 24, 1985 except cotton consumed by any governmental agency from its own production. The supplemental assessment shall be levied at the rate of six-tenths of one percent of: (1) The current value of cotton multiplied by the number of pounds of lint cotton or (2) the current value of cotton converted to a fixed amount per bale as reflected in the following assessment chart:

Assessment Chart [1]

Current value (cents per pound)	*Supplemental assessment, dollars per bale*
.00 to 9.99	.15
10.00 to 19.99	.45
20.00 to 29.99	.75
30.00 to 39.99	1.05
40.00 to 49.99	1.35
50.00 to 59.99	1.65
60.00 to 69.99	1.95
70.00 to 79.99	2.25
80.00 to 89.99	2.55
90.00 to 99.99	2.85
100.00 to 109.99	3.15
110.00 to 119.99	3.45

[1] Assessment is calculated on 6/10 of 1 percent of the midpoint of each 10¢ increment, based on a 500 lb bale and converted to a fixed amount per bale.

* * * * *

Dated: July 22, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-17669 Filed 7-23-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 287

Field Officers; Powers and Duties

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule sets forth procedures for the issuance of subpoenas in connection with criminal and civil investigations and other immigration proceedings. The rule specifies the categories of Immigration and Naturalization officials who may issue subpoenas. The subpoena powers of immigration judges are not affected by this rule.

EFFECTIVE DATE: August 23, 1985.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3048

For Specific Information: Michael J. Heilman, Associate General Counsel, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-2620

SUPPLEMENTARY INFORMATION: This final rule revises current regulations relating to the issuance of subpoenas by Service officers. It authorizes District Directors, Deputy District Directors, Chief Patrol Agents, Deputy Chief Patrol Agents, Officers-in-Charge, Patrol Agents in Charge, Supervisory Criminal Investigators (Anti-Smuggling) and Regional Directors, Office of Professional Responsibility, to issue subpoenas in the context of criminal or civil investigations and other immigration proceedings. The subpoena-issuing authority of immigration judges is not affected by this rule. For the sake of clarity, however, this rule separates the provisions relating to subpoena-issuance by Service officials from those relating to issuance by immigration judges.

Notice of proposed rulemaking was published March 26, 1985, at 50 FR 11880 with a thirty day comment period. Only one comment was received. The commenter opposed the proposed rule and questioned the extent to which the subpoena-issuing authority was to be delegated. This comment was considered, and it was determined that adequate safeguards exist to prevent abuse of this authority.

Subsection (b)(1) is revised to make it consistent with subsection (b)(2), which describes the contents of a subpoena.

Additional categories of issuing officials have been added to the final rule: Regional Directors of the Office of Professional Responsibility, Patrol Agents in Charge and Supervisory Criminal Investigators (Anti-Smuggling). The proposed rule inadvertently omitted these categories of officials.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule does not have a significant impact on a substantial number of small entities.

This rule is not a major rule as defined in section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 287

Administrative practice and procedure, Authority delegation, Crime, Immigration, Immigration and Nationality Act, Law enforcement officers, Subpoena.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 287—FIELD OFFICERS: POWERS AND DUTIES

1. The authority citation for Part 287 continues to read as follows:

Authority: Secs. 103 and 287 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1357).

2. Section 287.4 is revised to read as follows:

§ 287.4 Subpoena.

(a) *Who may issue*—(1) *Criminal or civil investigations.* All District Directors, Deputy District Directors, Chief Patrol Agents, Deputy Chief Patrol Agents, Officers-in-Charge, Patrol Agents in Charge, Supervisory Criminal Investigators (Anti-Smuggling) and Regional Directors, Office of Professional Responsibility, may issue a subpoena requiring the production of records and evidence for use in criminal or civil investigations.

(2) *Proceedings other than naturalization proceedings*—(i) *Prior to commencement of proceedings.* All District Directors, Deputy District Directors, Chief Patrol Agents, Deputy Chief Patrol Agents, and Officers-in-Charge, may issue a subpoena requiring the attendance of witnesses or the production of documentary evidence, or both, for use in any proceeding under this chapter, other than under Part 335 of this Chapter, or any application made ancillary to the proceeding.

(ii) *Subsequent to commencement of any proceeding.* (A) In any proceeding under this chapter, other than under Part 335 of this chapter, and in any proceeding ancillary thereto, an immigration judge having jurisdiction over the matter may, upon his/her own volition or upon application of a trial attorney, the alien, or other party affected, issue subpoenas requiring the attendance of witnesses or for the production of books, papers and other documentary evidence, or both.

(B) *Application for subpoena.* A party applying for a subpoena shall be required, as a condition precedent to its issuance, to state in writing or at the proceeding, what he/she expects to prove by such witnesses or documentary evidence, and to show affirmatively that he/she has made diligent effort, without success, to produce the same.

(C) *Issuance of subpoena.* Upon being satisfied that a witness will not appear and testify or produce documentary evidence and that the witness' evidence is essential, the immigration judge shall issue a subpoena.

(D) *Appearance of witness.* If the witness is at a distance of more than 100 miles from the place of the proceeding, the subpoena shall provide for the witnesses' appearance at the Service office nearest to the witness to respond to oral or written interrogatories, unless the Service indicates that there is no objection to bringing the witness the distance required to enable him/her to testify in person.

(b) *Form of subpoena.* All subpoenas shall be issued on Form I–138.

(1) *Criminal or civil investigations.* The subpoena shall command the person or entity to which it is addressed to attend and to give testimony at a time or place specified. A subpoena shall also command the person or entity to which it is addressed to produce the books, papers, or documents specified in the subpoena. A subpoena may direct the taking of a deposition before an officer of the Service.

(2) *Proceedings other than naturalization proceedings.* Every subpoena issued under the provisions of this section shall state the title of the proceeding and shall command the person to whom it is directed to attend and to give testimony at a time and place specified. A subpoena shall also command the person to whom it is directed to produce the books, papers, or documents specified in the subpoena. A subpoena may direct the making of a deposition before an officer of the Service.

(c) *Service.* A subpoena issued under this section may be served by any person, over 18 years of age not a party to the case, designated to make such service by the District Director, Deputy District Director, Chief Patrol Agent, Deputy Chief Patrol Agent, Patrol Agent in Charge, Officer-in-Charge, Supervisory Criminal Investigator (Anti-Smuggling), and Regional Director, Office of Professional Responsibility, having administrative jurisdiction over the office in which the subpoena is issued. Service of the subpoena shall be made by delivering a copy thereof to the person named therein and by tendering to him/her the fee for one day's attendance and the mileage allowed by law by the United States District Court for the district in which the testimony is to be taken. When the subpoena is issued on behalf of the Service, fee and mileage need not be tendered at the time of service. A record of such service shall be made and attached to the original copy of the subpoena.

(d) *Invoking aid of court.* If a witness neglects or refuses to appear and testify as directed by the subpoena served upon him/her in accordance with the provisions of this section, the officer issuing the subpoena shall request the United States Attorney for the district in which the subpoena was issued to report such neglect or refusal to the United States District Court and to request such court to issue an order requiring the witness to appear and testify and to produce the books, papers or documents designated in the subpoena. If the subpoena was issued by an immigration judge, he/she shall request the District Director in the district in which the subpoena was issued to take the action referred to in the previous sentence in the event the witness neglects or refuses to appear and testify as directed by the subpoena served upon him.

Dated: July 10, 1985.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 85–17589 Filed 7–23–85; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85–AWP–13]

Establishment of the Indian Springs Air Force Auxiliary Filed (AFAF), Indian Springs, NV, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a new Transition Area at Indian Springs AFAF, Indian Springs, Nevada. (lat. 36°34'58.8" N., long. 115°40'31.6" W.). This transition area is necessary to provide sufficient controlled airspace to accommodate the established TACAN instrument approaches. This action provides legal discription for future charting.

EFFECTIVE DATE: 0901 G.m.t., September 26, 1985.

FOR FURTHER INFORMATION CONTACT: Curtis Alms, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Hawthorne, California 90261; telephone number (213) 536-6649.

SUPPLEMENTARY INFORMATION:

History

On May 9, 1985, the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a Transition Area at Indian Springs AFAF, Indian Springs, Nevada, to provide sufficient controlled airspace to accommodate the established TACAN instrument approaches. This action will provide legal discription for charting. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Handbook 7400.6 dated January 2, 1985.

The Rule

This amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) will provide controlled airspace to accommodate aircraft executing the published TACAN Runway 8 and TACAN Runway 26 instrument approach procedure to Indian Springs AFAF. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 is revised to read as follows:

Authority: 49 U.S.C. 1348(a) and 1354(a); 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Indian Springs Air Force Auxiliary Field Transition Area, Indian Springs, Nevada—[New]

"That airspace extending upward from 700 feet above the surface within a 5.5 miles arc of Indian Springs Air Force Auxiliary Field (AFAF), (lat. 36°34'58.8" N., long. 115°40'31.6" W.); from a point lat. 36°33'37" N., long.115°34'50" W.; to lat. 36°35'00" N., long. 115°46'28" W.; direct to a point lat. 36°35'00" N., long. 115°37'00" W.; thence to the point of beginning."

Issued in Los Angeles, California on July 9, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-17540 Filed 7-23-85; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Contract Market Rule Review Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending regulation 1.41 to provide that certain routine changes in contract market rules relating to terms and conditions of futures or option contracts will be deemed approved by the Commission pursuant to section 5 a(12) of the Commodity Exchange Act either at the time such changes are adopted by a contract market, or ten days after receipt by the Commission of a proposed change. Specifically, changes in indices other than stock indices in which futures or option contracts are traded, changes in trading hours, changes in trading months, changes in particular contract terms established by independent third parties, and other types of changes which may be designated at a later date will be deemed approved by the Commission, provided that they satisfy conditions set forth in the amendments now being adopted by the Commission. In addition, the Commission is amending regulation 1.41a to delegate to the Director of the Division of Trading and Markets and to the Director of the Division of Economic Analysis, or their respective delegees, authority to determine whether particular contract market submissions are consistent with the provisions of these amendments.

EFFECTIVE DATE: August 23, 1985.

FOR FURTHER INFORMATION CONTACT: John C. Lawton, Attorney/Advisor, Division of Trading and Markets, or Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254-8955 or (202) 254-6990, respectively.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12), provides that all rules [1] of a contract market which relate to terms and conditions [2] in futures or option

[1] Commission regulation 1.41(a)(1) defines "rule" of a contract market to mean:

Any constitutional provision, article of incorporation, bylaw, rule, regulation, resolution, interpretation, stated policy, or instrument corresponding thereto, in whatever form adopted, and any amendment or addition thereto or repeal thereof, made or issued by a contract market, or by the governing board thereof or any committee thereof.

[2] Commission regulation 1.41(a)(2) defines "terms and conditions" to mean:

Any definition of the trading unit or the specific commodity underlying a contract for the future delivery of a commodity or commodity option contract, specification of settlement or delivery standards and procedures, and establishment of buyers' and sellers' rights and obligations under the contract. Terms and conditions shall be deemed to include provisions relating to the following:

(i) Quality or quantity standards for a commodity and any applicable exemptions or discounts;

(ii) Trading hours, trading months and the listing of contracts;

(iii) Minimum and maximum price limits and the establishment of settlement prices;

(iv) Position limits and position requirements;

(v) Delivery points and locational price differentials;

(vi) Delivery standards and procedures, including alternatives to delivery and applicable penalties or sanctions for failure to perform;

(vii) Settlement of the contract; and

(viii) Payment or collection of commodity option premiums or margins.

contracts traded on or subject to the rules of such a contract market must be submitted to the Commission for its prior approval. The Commission has recognized, however, that certain contract market proposals relating to terms and conditions (in particular, proposals relating to the composition and valuation of stock indices) do not usually require review and therefore may appropriately merit treatment which is different from that which is normally afforded contract market rule changes. 48 FR 49003, 49007 (October 24, 1983). Thus, the Commission has established procedures to expedite the implementation of such rule changes. *See* Commission regulation 1.41(h).

The Commission now has determined that it is appropriate to adopt similar procedures for additional types of changes in contract terms and conditions. The Commission has identified several categories of routine contract market rule amendments which, when kept within clearly defined and previously approved bounds, are unlikely to be inconsistent with any provision of the Act or regulations. Expedited implementation of such routine, non-controversial rule changes will provide exchanges with greater flexiblity in conducting their operations. In addition, the simplified procedures will conserve resources, both at the Commission and at the exchanges.

The instant amendments apply to the following categories of terms and conditions: (1) Changes in the composition, computation, or method of selection of indices, other than stock indices, in which a contract market is designated to trade futures contracts or options on futures contracts; (2) changes in lists of banks, brokers, dealers or other entities which provide price or cash market information to a contract market for purposes of computing cash settlement prices or a cash price series, or for defining deliverable supply; (3) changes in trading hours; (4) changes in trading months; (5) changes in grades or standards which are established, selected or calculated by independent third parties and which are incorporated by reference as terms of a contract; and (6) other types of changes which the Commission may specify, either in a contract designation or by separate written notification, as appropriate for similar expedited treatment. Each of these matters is discussed in greater detail below.

II. Amendments to Regulations 1.41 and 1.41a

As mentioned above, current regulation 1.41(h) provides an expedited procedure for changes in the composition, computation or method of stock selection of a stock index in which a contract market is designated to trade futures contracts or options on such futures contracts. New paragraph (i) establishes a similar expedited procedure for changes in the composition, computation or method of selection of other types of indices in which a contract market is designated to trade futures contracts or options. Such indices, for example, may be compilations of government statistics or of price quotations on a physical or non-physical commodity. As with changes in stock indices, changes in these indices will be deemed approved at the time such a change is adopted by a contract market, provided certain conditions are satisfied. First, the index must be compiled by an independent third party whose business relates to the collection or dissemination of price information and which was not formed solely for the purpose of compiling an index for use in connection with a futures or option contract.[3] Second, the change must be consistent with a rule of the contract market which has been approved by the Commission for this purpose which specifically defines or establishes standards governing the composition, computation or method of selection of the index.[4] Third, the contract market must provide the Commission with written notice of the change within five days of adoption by the contract market.

If the Commission determines that a change submitted pursuant to new paragraph (i) is not consistent with the requirements of the paragraph, the Commission will notify the contract market of the inconsisence within ten days.[5] Such a change will be treated as having been filed pursuant to Commission regulation 1.41(b) and therefore shall cease to have any effect as of the exchange's receipt of such notice from the Commission until approved by the Commission pursuant to the usual approval procedures under section 5a(12) of the Act and regulation 1.41(b).[6]

New paragraph (j) of regulation 1.41 provides that certain changes in lists of banks, brokers, dealers or other entities which provide price or cash market information to a contract market for purposes of computing cash settlement prices or a cash price series, or for defining deliverable supply will be deemed approved by the Commission at the time such changes are adopted by a contract market. Examples of this type of provision include cash settlement contracts having a settlement price determined by averaging the price quotations of persons on the approved list, or physical delivery contracts which have interest rate caps or a ranking of the quality of deliverable instruments established by such a polling procedure.

To be approved under this paragraph, again a change must be consistent with a rule of the contract market which has been approved previously by the Commission for this purpose and which establishes standards or criteria for the persons or entities qualifying for the list. In addition, the Commission must be given written notice of the change within three days after the changes are adopted by the contract market. The

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[3] This provision would permit the development of new indices to be used in connection with futures or option contracts where such indices are an outgrowth of an independent third party's ongoing business operations and where the new indices are subject to the same controls and standards previously established by the third party in its business operations. For example, the Standard and Poor's 100 Index did not exist prior to the development of options and futures contracts on that index. The fact that this index did not exist previously, however, did not diminish the objectivity and independence of this index as far as the Commission was concerned, for this new index was subject to the same standards and controls as the Standard and Poor's 500 Index, which did exist prior to the development of a futures contract on that index and was developed for uses other than as a basis for an option or futures contract.

[4] In order to qualify for the expedited procedure provided for in this paragraph (i), a contract market must, of course, have in place a rule specifically defining or establishing standards governing the composition, computation or method of selection of the index. Such a rule must be approved by the Commission, either at the time the contract is designated, or at a later time pursuant to the usual procedure established by section 5a(12) of the Act and Commission regulation 1.41(b). Similar general rules are required in order to be eligible for the expedited procedures set forth in paragraphs (j) and (l)-(o). In some instances, contract markets already may have such general rules in place. Rules which have previously been approved under section 5a(12) of the Act or are effective pursuant to regulation 1.53 need not be resubmitted, but notice that the exchange intends to use such a rule under these provisions must be provided to the Commission before the exchange begins to use these procedures.

[5] Time limits established by the rules the Commission is adopting today which apply to actions by the Commission may, as with existing §§ 1.41(b) and 1.41(c), be satisfied by deposit of the notification in the United States mail or by other means of written communication within the specified period. Limits which apply to actions by contract markets require receipt of the written notification by the Commission at its Washington, D.C., headquarters within the specified period.

[6] Such an event should be rare since the rules eligible for treatment under this section and the following sections are routine rule amendments instituted pursuant to a more general enabling rule. The Commission reiterates that the expedited procedures now being adopted by the Commission are not available if a rule amendment departs in any way from the standard contemplated in the general enabling rule. The contract markets must assume responsibility for assuring that a rule amendment submitted pursuant to this procedure is appropriate for such treatment

Commission believes that such changes, which are initiated by the exchanges themselves, can be provided to the Commission more expeditiously than the changes covered in paragraph (i) above, which are initiated by third parties.

Because market conditions may change abruptly, it may become necessary for a contract market to add or delete participants on very short notice. In this regard, changes in survey lists are similar to changes in indices and changes in trading hours, and differ from the other types of changes addressed by the instant amendments. The Commission believes that once it has approved a general rule establishing standards or criteria for inclusion on such lists, it is not necessary to require the usual rule review procedures for each addition to or deletion from such lists. Therefore, like changes in indices and changes in trading hours, and unlike the other categories, changes in survey lists subject to certain conditions will be deemed approved at the time of adoption by a contract market. Again, if the Commission determines that a change submitted under this paragraph is not consistent with the requirements of the paragraph, the Commission will notify the contract market of the inconsistency within ten days and such a change will be treated as having been filed pursuant to Commission regulation 1.41(b).

Paragraph (k) applies to changes in trading hours between 7:00 a.m. and 6:00 p.m. local time in the city where the contract market is located. The Commission believes that in most instances such changes would not be inconsistent with any provision of the Act or the Commission's regulations and, accordingly, that those changes do not require the level of review provided under the Commission's usual § 1.41(b) procedures. Therefore, changes in trading hours will be deemed approved at the close of business one business day after receipt by the Commission.

The Commission reserves the right, however, to suspend the effectiveness of a change submitted under this paragraph and to take review of the change under regulation 1.41(b). If the Commission takes such action it will notify the contract market within ten days after receipt by the Commission of the change. Although the Commission does not anticipate that it would take such action often, there may be instances where a change in trading hours could raise concerns under the Act necessitating review. For example, if trading hours were expanded so that market sensitive information, previously released outside trading hours, were to be released during trading hours, this could raise questions concerning the pricing of the contract or of market manipulation.

New paragraphs (l)–(n) of regulation 1.41 provide that changes of the types described in categories (4)–(6) above will be effective ten days after the Commission receives written notice of the change, unless the Commission notifies the contract market within the ten-day period that the submission does not comply with the relevant provisions of those paragraphs. In the event of such notification, the submission will become subject to the usual rule review procedures.

Paragraph (l) applies to changes in trading months which (i) are consistent with a previously approved rule of the contract market governing the listing of trading months, (ii) do not list a month more than 18 months in the future, and (iii) do not list a month outside the currently established cycle.[7] These conditions limit exchange discretion to well-defined bounds and retain the usual review procedure for more significant changes in the listing of contract months. For example, suppose at the time of contract market designation a rule were approved permitting the listing of a total of six trading months in the March quarterly cycle but that the contract market initially listed only three trading months. The contract market would thereafter be permitted to list up to three additional months in the March cycle following the procedures of paragraph (l). If the contract market wished to list a seventh trading month in this cycle, however, it would be required to submit the proposal under the usual § 1.41(b) procedures. Similarly, if the contract market wished to list a month falling outside the March cycle the usual § 1.41(b) procedures would apply.[8]

Paragraph (m) applies to changes in grades or standards of commodities on which futures or option contracts are based, where those grades or standards are established, selected or calculated by independent third parties and are incorporated by reference as terms of a contract. Thus, the specifications of the contract are intended to change as the third party makes changes. To be approved under this paragraph, the change must be consistent with a rule of the contract market which has been approved by the Commission for this purpose. In addition, the grade or standard must be established, selected or calculated by an independent third party for purposes other than solely for use in connection with a futures or option contract. For example, standards set by Colonial Pipeline are incorporated by reference into various petroleum product contracts. The Commission believes that typically it is not necessary to follow the usual rule review procedures for changes in such technical areas when the changes are made by independent third parties for purposes not related solely to use in a futures or option contract.

Paragraph (n) authorizes the Commission to designate additional types of changes in terms and conditions for expedited treatment. This paragraph is intended to provide the Commission with a mechanism for efficiently dealing with other categories of rule changes which may arise in the future and for which special treatment is deemed appropriate. Under this paragraph, the Commission may notify a contract market of the applicability of the special procedure at the time of contract market designation or at any other appropriate time. In the notification, the Commission will specify the conditions governing the applicability of this paragraph to the particular contract. Following such notification, any change which is consistent with the terms of the notification will become effective as provided by the Commission in its notification. In most instances, the procedure followed in paragraphs (l) and (m) is likely to be adopted (*i.e.*, effective ten days after receipt, unless the Commission informs the contract market otherwise during the ten-day period). In some instances, however, the Commission may find the procedure followed in paragraph (i) and (j) appropriate (*i.e.*, effective at the time of adoption by a contract market unless the Commission informs the contract market of an inconsistency within ten days of receipt of notice of the change). The Commission retains the right to alter or revoke the applicability of this paragraph to a particular contract at any time.

In light of new paragraphs (i)–(m), the Commission is adopting three technical amendments to existing paragraph (h) of regulation 1.41. One amendment changes the requirement that contract market notification of changes be "prompt" to a requirement that such

[7] For purposes of this paragraph, the Commission intends to include trading month cycles which were not explicitly approved by the Commission but which remain in effect pursuant to Commission regulation 1.53.

[8] The new procedure created by paragraph (l) will not affect the treatment of months which are listed automatically pursuant to an established cycle. For example, when the spot month expires, a new contract is automatically listed at the distant end of the cycle. Such listings are not required to be submitted for Commission approval.

notification be "within five days." Another amendment requires that changes submitted under regulation 1.41(h) be clearly labeled as such. The final amendment adds a sentence making it explicit that changes in the composition, computation, or method of stock selection of a stock index which are inconsistent with the provisions of paragraph (h) will be subject to the usual approval procedures under section 5a(12) of the Act. These amendments simply conform the procedures under paragraph (h) to those of paragraphs (i)–(n) and are consistent with existing Commission practice under paragraph (h). 48 FR 49003, 49007 (October 24, 1983).

Finally, the Commission is adding a new paragraph (a)(5) to regulation 1.41a. This amendment delegates to the Director of the Division of Trading and Markets and to the Director of the Division of Economic Analysis, or their respective delegates, authority to determine whether changes submitted under paragraphs (h)–(n) of regulation 1.41 are inconsistent with the relevant provisions of those paragraphs and to notify contract markets if such submissions are to be subject to the usual review procedures under section 5a(12).

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.*, requires that agencies, in adopting rules, consider their impact on small businesses. The RFA defines the term "rule" to mean "any rule for which the agency publishes a general notice of proposed rulemaking pursuant to [5 U.S.C.] 553(b) . . ." Since, as noted below, the Commission is not required to publish a notice of proposed rulemaking in regard to the rule amendments to §§ 1.41 and 1.41(a) pursuant to § 553(b), a flexibility analysis of these amendments is not required. *See* § 601(2). *See also* §§ 603 and 604.*

B. Paperwork Reduction Act

Commission regulations 1.41 and 1.41a previously have been issued control numbers, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) The amendments to those rules being adopted herein establish no new paperwork requirements. The Office of Management and Budget has been so notified and a copy of this **Federal Register** notice has been provided to that agency.

C. Notice and Comment

The Administrative Procedure Act, 5 U.S.C. 553(b), requires in most instances that a notice of proposed rulemaking be published in the **Federal Register** and that opportunity for comment be provided when an agency promulgates new regulations. Section 553(b) sets forth an exception, however, for rules of agency organization, procedure or practice. The instant amendments provide expedited procedures for the approval of certain contract market rules. The Commission has determined that these amendments are technical and relate to internal Commission procedure and therefore that notice and comment is not required.

Section 553(b) also sets forth an exception to the requirement of notice and opportunity for public comment when the Commission for good cause finds such notice and public comment are unnecessary or contrary to the public interest. The Commission finds that notice and public comment on the rule changes announced herein are unnecessary because the changes are technical in nature and do not limit any person's substantive rights. The changes do not establish any new obligations under the Act. On the contrary these changes simplify compliance with the Act by reducing contract markets' existing obligations under section 5a(12) thereof. Furthermore the Commission finds that delay of the implementation of these rules would be contrary to the public interest because this would delay the effectiveness of contract market rules in which very limited discretion is exercised, and because it would delay the Commission's efforts to reduce its expenditures of resources in reviewing rules submissions from contract markets.

List of Subjects in 17 CFR Part 1

Commodity exchanges, Contract market rules, Rule review procedures, Delegated authority.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and in particular, sections 4c, 5a and 8a thereof, 7 U.S.C. 6c, 7a and 12a, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations by revising §§ 1.41 and 1.41a as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 continues to read as follows:

Authority: 7 U.S.C. 2, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 12a, 13a, 13a–1, 19, and 21 unless otherwise noted.

2. Section 1.41 is amended by revising paragraphs (h)(1) and (h)(2), and by adding paragraphs (h)(1)(iv), (i), (j), (k), (l), (m), and (n) to read as follows:

§ 1.41 Contract market rules; submission of rules to the Commission; exemption of certain rules.

* * * * *

(h) * * *

(1) * * *

(iii) The contract market provides the Commission with written notice of the change within five days after the change is adopted by the contract market; and

(iv) The contract market labels the written notice as being submitted pursuant to paragraph (h) of this section.

(2) The Commission will, within ten days after receipt by the Commission of notice of a change in the composition, computation, or method of stock selection of a stock index, notify the contract market making that submission if it appears that the change is not consistent with the definition of the composition of, or standards governing, the stock index which has been approved by the Commission. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(12) of the Act and paragraph (b) of this section.

(i) *Other index contracts.* (1) Notwithstanding the provisions of paragraph (b) of this section, all changes in the composition, computation, or method of selection of an index other than a stock index in which a contract market is designated to trade futures or option contracts shall be deemed approved by the Commission at the time such changes are adopted by a contract market if:

(i) The index is compiled by an independent third party whose business relates to the collection or dissemination of price information and which was not formed solely for the purpose of compiling an index for use in connection with a futures or option contract;

(ii) The change is consistent with a rule of the contract market which has been approved by the Commission for this purpose, which specifically defines or establishes standards governing the composition of the index upon which

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*A flexibility analysis would not be required in any case in this matter, since the amendments would affect contract markets, which the Commission previously has determined are not "small entities" for purposes of the RFA. Thus, these rule amendments would not have a significant economic impact on a substantial number of "small entities." *See* § 605(b).

designated futures or commodity options are authorized to trade;

(iii) The contract market provides the Commission with written notice of the change within five days after the change is adopted by the contract market; and

(iv) The contract market labels the written notice as being submitted pursuant to paragraph (i) of this section.

(2) The Commission will, within ten days after receipt by the Commission of notice of a change in the composition, computation, or method of selection of an index, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(12) of the Act and paragraph (b) of this section.

(j) *Survey lists.* (1) Notwithstanding the provisions of paragraph (b) of this section, all changes in lists of banks, brokers, dealers or other entities which provide price or cash market information to a contract market for purposes of computing cash settlement prices or a cash price series, or for defining deliverable supply, shall be deemed approved by the Commission at the time such changes are adopted by a contract market if:

(i) The change is consistent with a rule of the contract market which has been approved by the Commission for this purpose and which establishes standards or criteria for the persons or entities which qualify for the list;

(ii) The contract market provides the Commission with written notice of the change within three days after the change is adopted by the contract market; and

(iii) The contract market labels the written notice as being submitted pursuant to paragraph (j) of this section.

(2) The Commission will, within ten days after receipt by the Commission of notice of a change in such a list, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(12) of the Act and paragraph (b) of this section.

(k) *Trading hours.* (1) Notwithstanding the provisions of paragraph (b) of this section, all changes in trading hours which do not permit trading to open before 7:00 a.m. or close after 6:00 p.m. local time in the city where the contract market is located shall be deemed approved by the Commission at the close of business one business day after written notice of such a change is received by the Commission if:

(i) The change is not inconsistent with any provision of the Act or the Commission's regulations; and

(ii) The contract market labels the written notice as being submitted pursuant to paragraph (k) of this section.

(2) The Commission will, within ten days after receipt by the Commission of notice of a change in trading hours, notify the contract market making the submission if it appears that the change is not consistent with some provision of the Act or the Commission's regulations. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(12) of the Act and paragraph (b) of this section.

(l) *Trading months.* (1) Notwithstanding the provisions of paragraph (b) of this section, all changes in trading months shall be deemed approved by the Commission ten days after written notice of such a change is received by the Commission if:

(i) The change is consistent with a rule of the contract market governing the listing of trading months which has been approved by the Commission;

(ii) The change does not provide for the listing of a trading month more than 18 months in the future;

(iii) The change does not provide for the listing of a trading month outside the currently established cycle of trading months; and

(iv) The contract market labels the written notice as being submitted pursuant to paragraph (l) of this section.

(2) The Commission will, within ten days after receipt by the Commission of notice of a change in the listing of trading months, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(1) of the Act and paragraph (b) of this section.

(m) *Contract terms established by independent third parties.* (1) Notwithstanding the provisions of paragraph (b) of this section, changes in grades or standards of commodities on which futures or options contracts are based, which are established, selected or calculated by independent third parties and which are incorporated by reference as terms of a contract, shall be deemed approved by the Commission ten days after written notice of such a change is received by the Commission if:

(i) The grade or standard is established, selected or calculated by an independent third party for purposes other than solely for use in connection with a futures or options contract;

(ii) The change is consistent with a rule of the contract market which has been approved by the Commission for this purpose, and with the Act and the Commission's regulations; and

(iii) The contract market labels the written notice as being submitted pursuant to paragraph (m) of this section.

(2) The Commission will, within ten days after receipt by the Commission of notice of such a change, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(12) of the Act and paragraph (b) of this section.

(n) *Other changes.* (1) Notwithstanding the provisions of paragraph (b) of this section, changes in the terms and conditions of a futures or option contract other than those changes specified in paragraphs (h)–(m) of this section shall be deemed approved by the Commission at such time as the Commission shall specify if:

(i) The Commission notifies the contract market in writing, at the time of contract market designation, or such other time as the Commission may deem appropriate, that certain changes in terms and conditions may be submitted pursuant to the provisions of this paragraph;

(ii) The change is consistent with standards established by the Commission in its notification to the contract market of the applicability of this paragraph, and with the Act and the Commission's regulations; and

(iii) The contract market labels the written notice as being submitted pursuant to paragraph (n) of this section.

(2) The Commission will within ten days after receipt by the Commission of notice of a change submitted pursuant to this paragraph, notify the contract market making the submission if it appears that the change is not consistent with standards established by the Commission. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(12) of the Act and paragraph (b) of this section.

(3) The Commission may at any time alter or revoke the applicability of this paragraph to any particular contract.

3. Section 1.41a is amended by removing the words "Division of Economics and Education" from the section heading and from paragraphs (a), (b) and (c) and inserting in their

place the words "Division of Economic Analysis" and by adding paragraph (a)(5) to read as follows:

§ 1.41a Delegation of authority to the Directors of the Division of Trading and Markets and the Division of Economic Analysis to process certain contract market rules.

(a) * * *

(5) Pursuant to §§ 1.41(h)–(n) to determine whether contract market rules submitted pursuant to section 5a(12) of the Act and the provisions of §§ 1.41(h)–(n) comply with the provisions of §§ 1.41(h)–(n), as applicable, and, if not, to notify the submitting contract market that such rules are therefore subject to the procedures specified in section 5a(12) of the Act and § 1.41(b).

* * * * *

Issued in Washington, D.C. on July 18, 1985, by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 85–17535 Filed 7–23–85; 8:45 am]

BILLING CODE 6351–01–M

17 CFR Part 1

Contract Market Rule Review Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Final Rule.

SUMMARY: The Commission is amending § 1.41b of its rules to delegate to the staff additional authority to approve proposed exchange rules where the rules are terms and conditions of a contract and are substantially identical to a rule of another contract market which has been approved previously by the Commission, or where the proposed rule is consistent with a stated Commission policy or interpretation.

EFFECTIVE DATE: August 23, 1985.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Thomas L. Sweat, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K. Street NW., Washington, D.C. 20581. Telephone (202) 254–6990; (202) 254–8955, respectively.

SUPPLEMENTARY INFORMATION:

On October 19, 1983 the Commission adopted Rule 1.41b, 17 CFR 1.41b (1984). Commission Rule 1.41b delegates to the Directors of the Divisions of Trading and Markets and Economic Analysis, with the concurrence of the Office of the General Counsel, the Commission's authority to approve, pursuant to section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12), ("Act") two classes of proposed exchange rules. These categories of rule amendments are proposed exchange rules which relate to terms and conditions of a contract but which are non-material, or routine material amendments that are anticipated to be updated under a previously approved exchange rule.[1]

In delegating this authority the Commission stated that:

> These rules, by their nature, tend to be straight forward and are unlikely to raise significant legal or policy issues. The Commission therefore does not believe that the above-referenced classes of rules necessitate an inflexible adhesion to the procedures currently established for the affirmative rule review process. The Commission is, accordingly, modifying its regulations to facilitate implementation of these types of rules by the contract markets. Specifically, the Commission is delegating to the Directors of the Divisions of Trading and Markets and Economics and Education, to be exercised by either Director (or their designees), with the concurrence of the General Counsel, the authority to affirmatively approve certain non-material or anticipated, routine material amendments to "terms and conditions."

48 FR at 49005.

The Commission's experience with this procedure has been good. Although the majority of proposed exchange rule amendments do not fit within these two categories, this delegated procedure does result in some savings of time and Commission resources. Moreover, the increased timeliness of Commission action on these routine changes benefits the exchange by making the overall process of Commission review more efficient. The Commission believes that the benefits of this system can be extended to other categories of rules, resulting in a similar increased savings in the time and resources needed to approve such rules.[2]

The two additional categories of rules that the Commission is including in this delegation of its approval authority are: (1) proposed exchange rules that are substantially identical to a rule of another contract market that has previously been approved by the Commission, and (2) proposed exchange rules which are consistent with a previously established, specific standard or policy set by the Commission.

The first category includes rules submitted by various contract markets which may be similar because of Commission requirements or because of the similarity between certain contracts. For example, a Commision rule may require all exchanges to adopt specified rules. Or, two exchanges may have futures contracts in the same commodity and may voluntarily keep the terms and conditions consistent in order to aid arbitrage between them. In either example, once the Commission has approve one contract market's proposed rule, the staff, pursuant to this delegation, may approve rules of other contract markets which are substantially identical to the first rule approved by the Commission.

The second category of rules for which the Commission's approval authority is being delegated are those proposed exchange rules which are consistent with specific Commission policies or interpretations. For example, the Commission has formulated a formal policy on quality and locational price differentials. All proposed exchange rules which clearly meet the criteria set forth in that policy statement could be approved by the staff under this delegation. In this connection, it can be expected that the Commission will strive to formulate policies concerning the most common types of rule amendments.[3]

Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.* requires that agencies, in adopting rules, consider their impact on small businesses. Analysis of the final rule amendments to § 1.41b is not required, however, because the rule relates only to internal procedure and the Commission previously has determined that contract markets are not "small entities" for purposes of the RFA.[4] Accordingly,

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[1] A third category, rules which authorize the listing of option contract expirations that terminate after the three year designation of an option contract market ends, was subsequently added by the Commission. 48 FR 12518 (March 25, 1983).

[2] The Commission elsewhere in this **Federal Register** is also adopting amendment to Commission Rule 1.41, 17 CFR 1.41 which grant prior approval to certain classes of routine contract market rule amendments at the time of their adoption. In addition, the Commission is also adopting rules which provide that other categories of exchange rules are approved automatically ten days after submission to the Commission for its review, absent any contrary action. These amendments were adopted to expedite further the exchange rule review process.

[3] It should be noted that the policies or interpretations to which this delegation applies do not include Guideline No. 1, 17 CFR Part 5: Appendix A, or Guideline No. 2, Comm. Fut. L. Rep (CCH) ¶ 6430, p. 6210. These Guidelines are general statements of the designation requirements under the Act and were not intended to provide specific guidelines for the exercise of the staff's discretion.

[4] 47 FR 18619 (April 30, 1982).

pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, certifies that these rules will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The amendments to Commission Rule 1.41b being adopted herein establish no new paperwork requirements pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Office of Management and Budget has been so notified and a copy of this **Federal Register** notice has been provided to that agency.

C. Notice and Comment

Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), requires in most instances that a notice of proposed rulemaking be published in the **Federal Register** and that opportunity for comment be provided when an agency promulgates new regulations. Section 553(b) sets forth an exception, however, for rules of agency organization, procedure or practice. These amendments delegate the Commission's authority to approve certain proposed contract market rules. The Commission has determined that these amendments relate to Commission procedure and therefore notice and comment is not required.

List of Subjects in 17 CFR Part 1

Commodity exchanges, Contract market rules, Rule review procedures, Delegated authority.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and in particular, sections 5a and 8a thereof, 7 U.S.C. 7a and 12a, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations by revising § 1.41b as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 continues to read as follows:

Authority: 7 U.S.C. 2, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 12a, 13a, 13a-1, 19, and 21 * * *

2. Section 1.41b is amended by revising paragraphs (a)(2) and (3) and by adding new paragraphs (a)(4) and (5) to read as follows:

§ 1.41b Delegation of authority to the Director of the Division of Trading and Markets and the Director of the Division of Economic Analysis.

(a) * * *

(2) Reflect routine modifications that are expressly required or anticipated by the specific terms of a contract market rule (such as the specification of delivery grades, growths or differentials, the listing of trading months or the modification of trading hours);

(3) Authorize the listing, in accordance with rules of the contract market which have been approved by the Commission, of option contracts that expire after the termination of the designation of that board of trade as a contract market for the trading of commodity options;

(4) Are substantially identical to a rule of another contract market which has been approved previously by the Commission pursuant to section 5a(12) of the Act; or

(5) Are consistent with a specific, stated policy, or interpretation of the Commission.

* * * * *

Issued in Washington, D.C. on July 18, 1985 by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 85-17536 Filed 7-23-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket Nos. RM84-15-001 Through -004]

Generic Determination of Rate of Return on Common Equity for Public Utilities

Issued: July 19, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing for purpose of further consideration.

SUMMARY: On May 20, 1985, the Federal Energy Regulatory Commission (Commission) issued a final rule establishing a generic rate of return on common equity for public utilities.

In this order the Commission grants rehearing of its decision solely for the purpose of further consideration.

EFFECTIVE DATE: July 19, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8015.

SUPPLEMENTARY INFORMATION: On May 20, 1985, the Federal Energy Regulatory Commission (Commission) issued a final rule establishing a generic rate of return on common equity for public utilities. Generic Determination of Rate of Return on Common Equity for Public Utilities, 50 FR 21802 (May 29, 1985) (to be codified at 18 CFR 37).

On June 19, 1985, the Commission received four petitions for rehearing of this final rule. To have sufficient time to consider the issues raised in these petitions, the Commission grants rehearing of its final rule solely for the purpose of further consideration. This order is effective on the date of issuance. This action does not constitute a grant or denial of any petition on its merits, either in whole or part. As provided in § 385.713 of the Commission's Rules of Practice and Procedure (18 CFR 385.713), no answers to these petitions will be entertained by the Commission because this order does not grant rehearing on any substantive issue.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17448 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 154

[Docket Nos. RM84-6-015 Through 028 Order No. 399-B]

Refunds Resulting From Btu Measurement Adjustments

Issued: July 18, 1985.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on Remand and on Petitions for Rehearing and Reconsideration; final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is implementing the court's decision in *Interstate Natural Gas Association of America* v. *Federal Energy Regulatory Commission*, 756 F.2d 166 (D.C. Cir. 1985) (INGAA-II), by vacating the offset mechanism required by Order No. 399-A, 49 FR 46,353 (Nov. 26, 1984), and by granting five petitions for rehearing. The Commission otherwise denies all other petitions for rehearing, reconsideration and stay of Order No. 399-A.

EFFECTIVE DATE: The reporting requirements in ordering paragraph (F) of this order and in new § 154.38(h)(3)(viii) of the Commission's

regulations are effective September 23, 1985. If OMB's approval and control number have not been received before that date, the Commission will issue a notice temporarily suspending the effective date. The remainder of this order is effective August 23, 1985.

FOR FURTHER INFORMATION CONTACT: Frederick W. Peters, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-9115.

SUPPLEMENTARY INFORMATION:

Order on Direction of the Court Vacating, in Part, Order No. 399-A, and on Petitions for Rehearing and Reconsideration

Issued: July 18, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa and Charles G. Stalon.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is implementing the court's decision in *Interstate Natural Gas Association of America* v. *Federal Energy Regulatory Commission*,[1] by vacating the offset mechanism required by Order No. 399-A [2] and by granting five petitions for rehearing. The Commission otherwise denies all other petitions for rehearing, reconsideration and stay of Order No. 399-A.

II. Background

On November 20, 1984, the Commission issued Order No. 399-A, which granted rehearing in part of Order No. 399.[3] Order Nos. 399 and 399-A implemented the decision of *Interstate Natural Gas Association of America* v. *Federal Energy Regulatory Commission* [4] by establishing refund procedures for overcharges resulting from adjustments to the calculation of the Btu content of gas sold under the Natural Gas Policy Act of 1978 (NGPA). On March 5, 1985, the United States Court of Appeals for the District of Columbia directed the Commission to vacate the portion of Order No. 399-A that required first sellers to offset Btu refunds against costs permitted under section 110 of the NGPA.[5] Order No. 399-A also permitted first sellers to seek a waiver of that portion of a first seller's refund obligation to the extent it is attributable to royalty interest owners and is uncollectible. The Commission received nine timely petitions for rehearing of Order No. 399-A.[6]

III. Discussion

A. The Court's Decision Prohibiting the Offset of Section 110 Allowances

The Court of Appeals quoted with approval the Commission's rationale in Order No. 399 for disallowing the offset of Btu refund obligations and section 110 charges. The court directed the Commission to vacate the offset portion of Order No. 399-A.[7]

As required by Order No. 399-A, many first sellers offset hundreds of millions of dollars of Btu refund obligations against uncontested section 110 charges in payment of Btu refunds. The Commission is now reversing that order, consistent with the instructions of the United States Court of Appeals.[8] Those first sellers that paid the Btu refund obligation by offsetting section 110 charges must now pay the Btu refund obligation in full.[9] Refunds must be made by August 30, 1985.[10] In all cases, interest accrues on the amount to be refunded until the date of payment, in accordance with Order No. 399.[11] In addition, interstate and intrastate pipelines are required to file refund reports similar to those required in Order Nos. 399 and 399-A. These additional reports are necessary to better monitor the payment of refunds by first sellers and interstate pipelines.

B. Refund Obligations Attributable to Royalty Interest Owners

Memphis Light, Gas and Water Division, (Memphis) protests the Commission's assertion of authority in Order No. 399-A to waive payment by first sellers of that portion of a Btu refund obligation attributable to royalty interest owners that is uncollectible. Memphis argues that the Commission lacks authority to waive the imposition of strict liability for the refund on first sellers. Alternatively, Memphis argues that there is no reason to waive this refund obligation because it derives from a first seller's payment of excessive royalties.

In Order No. 399, first sellers were made guarantors of payment of the portion of the Btu refund obligation attributable to royalty interest owners, primarily because the first seller, not royalty interest owners, collected prices in excess of NGPA ceiling prices. On review, the Commission still believes it has discretion to waive payment of those portions of the refund obligation attributable to royalty interest owners, if the first seller demonstrates that the refund is uncollectible.[12] As stated in

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[1] Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 756 F.2d 166 (D.C. Cir. 1985) (INGAA-II).

[2] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46,353 (Nov. 26, 1984).

[3] Refunds Resulting from Btu Measurement Adjustments, 49 Fed. Reg. 37,735 (Sept. 26, 1984) (issued Sept. 20, 1984) (Final Rule).

[4] 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 104 S. Ct. 1616 (1984) (INGAA-I) (charges for gas must be determined by measurement of Btu's (British thermal units) under "wet" conditions rather than the "as delivered" basis promulgated by the Commission).

[5] *See* N.1, *supra*, 18 CFR 271.1104(e) (1984); *see generally*, Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act, 48 Fed. Reg. 5152 (Feb. 3, 1983) (Order No. 94-A) (Final Rule and Order on Rehearing of Order No. 94). Appeal pending *sub. nom.*, Texas Eastern Transmission Corp., *et al.* v. Federal Energy Regulatory Commission, No. 83-4390 (argued March 8, 1985, 5th Cir.).

[6] American Paper Institute, Inc., Industrial Users (*i.e.*, Process Gas Consumers Group and American Iron & Steel Institute), Florida Cities, Pitts Oil Company, *et al.*, Stauffer Chemical Company, Associated Gas Distributors, Memphis Light, Gas & Water Division, BTA Oil Producers, and a group of Indicated Producers.

The Commission also received five rquests for an extension of the deadline for large first sellers to make refunds and a request to modify the refund procedures. The Commission did not extend the deadline, or modify the refund procedures, because the petitions failed to present sufficient grounds for an extension.

In addition, five petitioners sought a stay or Order No. 399-A. These requests were not granted because the Commission did not believe "justice so require[d]," 5 U.S.C. 705 (1982).

[7] INGAA-II, *supra*, at 171. The American Paper Institute, Industrial Users, Florida Cities, the Associated Gas Distributors and Stauffer Chemical Company objected to the requirement that first sellers' undisputed billings to pipeline-purchasers for section 110 allowances be offset against the first sellers' Btu refund obligation. Since the Court of Appeals' decision has afforded these petitioners the relief they sought in their petitions for rehearing, the Commission grants these petitions.

[8] The mandate issued May 20, 1985, the date of the Court of Appeals denial of the "Indicated Producers" motion for a stay. On June 3, 1985, Chief Justice Burger denied a petition for stay of the mandate.

[9] This refund payment may be in the form of one or more cash payments, or in the form of billing adjustments (if such billing adjustments are agreed to by the first seller), or a combination of these methods, as long as full payment is made by August 30, 1985.

[10] The disallowance of offsets does not affect the right of first sellers to defer payment of that portion of the Btu refund obligation attributable to royalty interest owners until actually collected or until November 5, 1986, whichever occurs first.

[11] The Indicated Producers argue that pipelines should pay the same interest rate on section 110 charges as the interest rate applicable to the Btu refunds. This issue is also mooted by the decision in INGAA-II because Btu refunds must be paid separately and distinct from section 110 charges. In any event, the interest rate applicable to Btu refunds was set by the Commission based upon public policy considerations. In contrast, the interest rate for section 110 charges is set by contract. For this reason, these interest rates may differ.

[12] *See* Consumer Federation of America v. FPC, 515 F.2d 347, 359 (D.C. Cir. 1975).

Order No. 399–A, the Commission will consider requests for a waiver on a case-by-case basis.[13]

C. Responsibility of Operators

Order No. 399 designated the operator as the one responsible for repayment of the entire refund for the time period it operated a well.[14] Specifically, the order required operators to notify all of the working interest owners of their refund obligations and to collect the refunds and pay them over to the pipelines. In addition, the Commission required operators to pay refunds owed by a defaulting working interest owner.

The Indicated Producers complain about the imposition of strict liability on a first seller that is the operator of a well for those refunds that are attributable to other working interest owners. They argue that an operator should not have to serve as a guarantor of refunds from other working interest owners that default on their portion of the refund.

The Commission recognizes that each working interest owner is a first seller and individually liable for the refund attributable to its interest in a well during the time the refund obligation accrued, as well as that portion of its refund obligation attributable to royalty interest owners. But, after further consideration of the issue, the Commission still believes it is necessary to designate the operator as the one responsible for the payment of the entire refund for the time period that the operator operated a well in order to facilitate expeditious refunds as required by the court in *INGAA–I* and *INGAA–II*.

D. Other Issues

Pitts Oil Company, Sage Energy Company, and Clayton W. Williams, Jr., Co. filed a petition requesting reconsideration of the same issues on which they sought rehearing of Order No. 399, asserting that Order No. 399–A and its predecessors failed to articulate a reasoned explanation for requiring refunds to implement the court's decision in *INGAA–I*.

As discussed in Order No. 399–A, the Commission believes that substantial equitable considerations support a discretionary order of refunds. Primarily, the consumers who paid excessive gas prices because of the incorrect measurement of the Btu content of that gas should benefit through the refund of overcharges. In any event, the opinion of the Court of Appeals in INGAA–II leaves no doubt that refunds were required to implement that Court's earlier decision in INGAA–I.[15]

To the extent petitioners have raised issues other than discussed above, the Commission believes those issues were previously considered and fully addressed in prior orders in this proceeding.

IV. Effective Date and Clearance by the Office of Management and Budget

The refund reporting requirements established in this rule are information collection requirements under the Paperwork Reduction Act[16] and subject to Office of Management and Budget (OMB) approval.[17] Hence, the reporting requirements established in paragraph (F) below and § 154.38(h)(3)(viii) of the Commission's regulations are effective September 23, 1985. If OMB clearance has not been received by this effective date, the Commission will issue a notice temporarily suspending the effective date of the refund reporting requirements. The remaining portions of this order are effective August 23, 1985.

V. The Commission Orders

(A) That portion of Order No. 399–A that required the offset of Btu refund obligations and section 110 charges is vacated, and those petitions for rehearing that requested this relief are granted.

(B) First sellers must make refund payments for those amounts of Btu refund obligations that were previously paid by means of offsetting section 110 charges, by August 30, 1985, in accordance with Order No. 399.

(C) The parties to the first sale transaction may choose the methods of payment of this refund, except that pipelines and first sellers may not offset Btu refunds and production-related costs permitted under section 110 of the NGPA. Those pipelines that have already begun to collect refunds by using billing adjustments without the consent of the seller can continue this method of payment only if the seller agrees. If the parties cannot agree, payment must be made in a lump-sum cash payment.

(D) Interest on Btu refunds must be calculated in accordance with § 154.102(c) and (d) of the Commission's regulations, except that any interest on Money paid into escrow is the actual interest accrued in the escrow account on the amount required to be refunded.

(E) Any filing fee applicable to a request for a waiver, as described herein, is waived.

(F) By October 15, 1985, interstate and intrastate pipelines must file sellers that made refunds, the refunded amounts that each pipeline has received, separately stated for each first seller, and indicating the principal amount and interest; and (2) the first sellers that have not made refunds, and the refund amounts due but not received by the pipeline, for each first seller, separately stating the principal amount and interest due from each first seller and the reason for nonpayment. Intrastate pipelines must file a copy of this report with the state regulatory agency having jurisdiction over such pipeline.

(G) All other petitions for rehearing, reconsideration, extension of time, and stay of Order No. 399–A are denied.

(H) In consideration of the foregoing, Part 154, Chapter I, Title 18, of the Code of Federal Regulations, is amended as set forth below.

List of Subjects in 18 CFR Part 154

Natural gas.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 154—[AMENDED]

1. The authority citation for Part 154 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12,009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 551–557 (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Federal Power Act, 16 U.S.C. 791a–828c (1982); Natural Gas Policy Act, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976).

2. In § 154.38(h), paragraph (h)(3)(viii) is redesignated as paragraph (h)(3)(ix), and a new paragraph (h)(3)(viii) is added to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(h) *Pipeline recovery of Btu measurement adjustments.* * * *

(3) * * *

(viii) The pipeline must submit, not later than October 15, 1985, a refund report describing, for each source from which Btu refunds are obtained, those refunds received or paid (including deferred amounts paid) since filing the report under paragraph (h)(3)(vii) of this section. For those refunds subject to this paragraph, this report should show all

[13] As established in Order No. 399–A, to the extent a filing fee exists for such a waiver, the Commission is waiving this filing fee.

[14] 49 FR 37,735, 37,740 (Sept. 26, 1984).

[15] INGAA–II, *supra* at 171.

[16] 44 U.S.C. 3501–3520 (1982).

[17] 5 CFR Part 1320 (1985).

the information enumerated in paragraph (h)(3)(iv).

* * * * *

3. In § 154.38(h), newly-redesignated paragraph (h)(3)(ix) is amended by removing the phrase "paragraphs (h)(3)(vi) and (vii)", and inserting, in its place, the phrase "paragraphs (h)(3)(vi), (vii), and (viii)".

[FR Doc. 85-17512 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 401

Availability of Information and Records to the Public; Procedures and Appeals

Correction

In FR Doc. 85-16639 beginning on page 28565 in the issue of Monday, July 15, 1985, make the following correction on page 28568: In the second column, the section number "§401.501" should read "§401.510".

BILLING CODE 1505-01-M

Food and Drug Administration

21 CFR Parts 176 and 177

[Docket No. 84F-0030]

Indirect Food Additives: Paper and Paperboard Components; Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acrylic plastics as components of articles intended for use in contact with food. This action responds to a petition filed by the B.F. Goodrich Co.

DATES: Effective July 24, 1985; objections by August 23, 1985.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 13, 1984 (49 FR 9472), FDA announced that a petition (FAP 4B3773) had been filed by the B.F. Goodrich Co., 500 South Main St., Akron, OH 44318, proposing that the food additive regulations be amended to provide for the safe use of the semirigid and rigid acrylic and modified acrylic plastics listed in 21 CFR 177.1010 as components of articles intended for use in contact with food.

Section 177.1010 now states that semirigid and rigid acrylic and modified acrylic plastics may be safely used as articles intended for use in contact with food, but it does not provide for the use of acrylic polymers as components of articles. The present amendment will allow the polymers listed in § 177.1010 to be used as components of articles in addition to use as whole articles intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before August 23, 1985, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on the objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 176

Food additives; Food packaging; Paper and paperboard.

21 CFR Part 177

Food additives; Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Food Safety and Applied Nutrition, Parts 176 and 177 are amended as follows:

1. The authority citation for 21 CFR Parts 176 and 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

2. Part 176 is amended in § 176.170(b)(2) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * *	
Acrylic and modified acrylic polymers.	Complying with § 177.1010 of this chapter.
* * * * *	

* * * * *

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

3. Part 177 is amended in § 177.1010 by revising the introductory paragraph, the introductory texts of paragraphs (a) and (b), and paragraph (d) and by adding new paragraph (f) to read as follows:

§ 177.1010 Acrylic and modified acrylic plastics, semirigid and rigid.

Semirigid and rigid acrylic and modified acrylic plastics may be safely used as articles intended for use in contact with food, in accordance with the following prescribed conditions. The acrylic and modified acrylic polymers or plastics described in this section also may be safely used as components of articles intended for use in contact with food.

(a) The optional substances that may be used in the formulation of the semirigid and rigid acrylic and modified acrylic plastics, or in the formulation of acrylic and modified acrylic components of articles, include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, substances permitted for use in such plastics by regulations in Parts 170 through 189 of this chapter, and substances identified in this paragraph. At least 50 weight-percent of the polymer content of the acrylic and modified acrylic materials used as finished articles or as components of articles shall consist of polymer units derived from one or more of the acrylic or methacrylic monomers listed in paragraph (a)(1) of this section.

* * * * *

(b) The semirigid and rigid acrylic and modified acrylic plastics, in the finished form in which they are to contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature as determined from Tables 1 and 2 of § 176.170(c) of this chapter, shall yield extractives not to exceed the following, when tested by the methods prescribed in paragraph (c) of this section. The acrylic and modified acrylic polymers or plastics intended to be used as components of articles also shall yield extractives not to exceed the following limitations when prepared as strips as described in paragraph (c)(2) of this section:

* * * * *

(d) In accordance with current good manufacturing practice, finished semirigid and rigid acrylic and modified acrylic plastics, and articles containing these polymers, intended for repeated use in contact with food shall be thoroughly cleansed prior to their first use in contact with food.

* * * * *

(f) The acrylic and modified acrylic polymers identified in and complying with this section, when used as components of the food-contact surface of an article that is the subject of a regulation in this part and in Parts 174, 175, 176, and 178 of this chapter, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

Dated: July 16, 1985.

John M. Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-17531 Filed 7-23-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 177

[Docket No. 84F-0329]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of polyarylsulfone resins intended for use in contact with food. This action responds to a petition filed by Union Carbide Corp.

DATES: Effective July 24, 1985; objections by August 23, 1985. The Director of the Federal Register approves the incorporation by reference of certain publications at § 177.1560 effective on July 24, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mary J. Stephens, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 17, 1984 (49 FR 40670), FDA announced that a petition (FAP 4B3823) had been filed by Union Carbide Corp., P.O. Box 670, Bound Brook, NJ 08805, proposing that Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for the safe use of polyarylsulfone resins intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 FR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 CFR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before August 23, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any

particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Incorporation by reference, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Food Safety and Applied Nutrition, Part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Subpart B is amended by adding new § 177.1560 to read as follows:

§ 177.1560 Polyarylsulfone resins.

Polyarylsulfone resins (CAS Reg. No. 79293–56–4) may be safely used as articles or components of articles intended for use in contact with food, at temperatures up to and including normal baking temperatures, in accordance with the following prescribed conditions:

(a) *Identity.* Polyarylsulfone resins are copolymers containing not more than 25 percent of oxy-*p*-phenylene-oxy-*p*-phenylenesulfonyl-*p*-phenylene polymer units and not less than 75 percent of oxy-*p*-phenylenesulfonyl-*p*-phenylene-oxy-*p*-phenylenesulfonyl-*p*-phenylene polymer units. The copolymers have a minimum reduced viscosity of 0.40 deciliter per gram in 1-methyl-2-pyrrolidinone in accordance with ASTM method D2857–70 (Reapproved 1977), "Standard Test Method for Dilute Solution Viscosity of Polymers," which is incorporated by reference. Copies may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103, or may be examined at the Office of the Federal Register, 1100 L St., NW., Washington, DC 20408.

(b) *Optional adjuvant substances.* The basic polyarylsulfone resins identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic copolymers. These optional adjuvant substances may include substances permitted for such use by regulations in Parts 170 through 179 of this chapter, substances generally recognized as safe in food, substances used in accordance with a prior sanction of approval, and substances named in this paragraph and further identified as required:

Substances	Limitations
Sulfolane	Not to exceed 0.15 percent as residual solvent in the finished basic resin.

(c) *Extractive limitations.* The finished polyarylsulfone resin when extracted for 2 hours with the following solvents at the specified temperatures yields total extractives in each extracting solvent not to exceed 0.008 milligram per square centimeter of food-contact surface: distilled water at 121 °C (250 °F), 50 percent (by volume) ethyl alcohol in distilled water at 71.1 °C (160 °F), 3 percent acetic acid in distilled water at 100 °C (212 °F), and *n*-heptane at 65.6 °C (150 °F).

Note.—In testing the finished polyarylsulfone resin use a separate test sample for each required extracting solvent.

Dated: July 16, 1985.

John M. Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–17527 Filed 7–23–85; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 177

[Docket No. 84F–0315]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of hexanedioic acid polymer with 1,3-benzenedimethanamine as a modifier for polyethylene phthalate polymers intended for use in contact with food. This action responds to a petition filed on behalf of Toyobo Co.

DATES: Effective July 24, 1985; objections by August 23, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 28, 1984 (49 FR 38362), FDA announced that a petition (FAP 4B3818) had been filed on behalf of Toyobo Co., Ltd., c/o 2347 Paddock Lane, Reston, VA 22091, proposing that the food additive regulations be amended to provide for the safe use of hexanedioic acid polymer with 1,3-benzenedimethanamine as a modifier for polyethylene phthalate polymers in 21 CFR 177.1630 intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before August 23, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a

hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Center for Food Safety and Applied Nutrition, Part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 177.1630 by alphabetically inserting a new item in paragraph (e)(4)(v) to read as follows:

§ 177.1630 Polyethylene phthalate polymers.

* * * * *

(e) * * *

(4) * * *

List of Substances and Limitations

(v) Modifiers:

* * * * *

Hexanedioic acid polymer with 1,3-benzenedimethanamine (CAS Reg. No. 25718-70-1) meeting the specifications in § 177.1500(b), item 10, when tested by the methods given in § 177.1500(c). The modifier is used in polyethylene terephthalate at a level not to exceed 30 percent by weight of the polyethylene terephthalate.	Chloroform-soluble extractives shall not exceed 0.08 milligram/centimeter ^{2} (0.5 milligram/inch ^{2}) of food-contact surface of the modified polyethylene terephthalate article when exposed to the following solvents at temperatures and times indicated: (*a*) Distilled water at 49 °C (120 °F) for 24 hours; (*b*) *n*-Heptane at 49 °C (120 °F) for 24 hours; (*c*) 8 percent ethyl alcohol at 49 °C (120 °F) for 24 hours. For use in contact with all types of foods except (*a*) those containing more than 8 percent alcohol, or (*b*) those at temperatures over 49 °C (120 °F).

* * * * *

Dated: July 16, 1985.

John M. Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-17533 Filed 7-23-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 84F-0152]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of decanoic acid, octanoic acid, sodium 1-octanesulfonate, and isopropyl alcohol for use on food-processing equipment and utensils, as components in sanitizing solutions. This action responds to a petition filed by Economic Labs., Inc.

DATES: Effective July 24, 1985; objections by August 23, 1985.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HRA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 5, 1984 (49 FR 23242), FDA announced that a food additive petition (FAP 4H3794) had been filed by Economics Labs., Inc., Osborn Bldg., St. Paul, MN 55102, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of decanoic acid, octanoic acid, sodium 1-octanesulfonate, and isopropyl alcohol as components in a sanitizing solution for use on food-processing equipment and utensils. These components are presently regulated under § 178.1010(b)(27) for use on dairy processing equipment only.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before August 23, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading

of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

§ 178.1010 [Amended]

2. In § 178.1010 *Sanitizing solutions* by removing the last sentence in paragraph (b)(27).

Dated: July 16, 1985.

John M. Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–17526 Filed 7–23–85; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 178

[Docket No. 84F–0054]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of poly[(6-morpholino-s-triazine-2,4-diyl)[(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene[(2,2,6,6-tertramethyl-4-peperidyl)imino]] as a light stabilizer for polyolefins. This action responds to a petition filed by American Cyanamid Co.

DATES: Effective July 24, 1985; objections by August 23, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 20, 1984 (49 FR 10364), FDA announced that a petition (FAP 4B3780) had been filed by American Cyanamid Co., One Cyanamid Plaza, Wayne, NJ 07470, proposing that § 178.2010 (21 CFR 178.2010) be amended to provide for the safe use of poly[(6-morpholino-s-triazine-2,4-diyl)[(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene[(2,2,6,6-tetramethyl-4-piperidyl)imino]] as a light stabilizer for polyolefins.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before August 23, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.2010(b) by alphabetically inserting a new item in the list of substances to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* *	* * *
Poly[(6-morpholino-s-triazine-2,4-diyl)[(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene [(2,2,6,6-tetramethyl-4-piperidyl)imino]] (CAS Reg. No. 82451-48-7)	For use only: 1. At levels not to exceed 0.3 percent by weight of polypropylene complying with § 177.1520(c) of this chapter, items 1.1, 1.2, and 1.3, and of ethylene polymers complying with § 177.1520(c) of this chapter, items 2.1, 2.3, and 3.1, whose specific gravity is not less than 0.94. The finished polymers are to contact food only under conditions of use D, E, F, and G described in Table 2 of § 176.170(c) of this chapter.

Substances	Limitations
	2. At levels not to exceed 0.3 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, items 2.1, 2.3, and 3.1, whose specific gravity is less than 0.94, and of olefin polymers complying with items 3.3., 3.4, 3.5, and 4.0. The finished polymers are to contact food in articles having a volume of at least 18.9 liters (5 gallons) only under conditions of use D, E, F, and G described in Table 2 of § 176.170(c) of this chapter.

Dated: July 16, 1985.

John M.Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-17528 Filed 7-23-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 182 and 184

[Docket No. 82N-0089]

Vitamin D; Affirmation of GRAS Status With Specific Limitations as a Direct Human Food Ingredient

AGENCY: Food and Drug Adminstration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that vitamin D (when adden to food as crystalline vitamin D_2, crystalline vitamin D_3, vitamin D_2 resin, and vitamin D_3 resin) is generally recognized as safe (GRAS) with specific limitations as a direct human food ingredient. The safety of this ingredient as a food nutrient has been evaluated under the comprehensive safety review conducted by the agency.

DATES: Effective August 23, 1985. The Director of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 184.1950 effective on August 23, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFF-385), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 19, 1983 (48 FR 16695), FDA published a proposal to affirm that two forms of vitamin D, ergocalciferol (crystalline vitamin D_2) and cholecalciferol (crystalline vitamin D_3), are generally recognized as safe (GRAS) with specific liminations for use as direct human food ingredients in conventional food [1] and infant formula. FDA published the proposal in accordance with the announced review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review, mutagenic evaluations, and the report of the Select Committee on GRAS Substances (the Select Committee) on vitamin D_2 and vitamin D_3 are available for public review in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Copies of these documents also are available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of the crystalline forms of vitamin D_2 and vitamin D_3, FDA gave public notice that it was unaware of any prior-sanctioned food uses for these ingredients other than for the proposed conditions of use. Persons asserting additional or extended uses in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions, so that the safety of any prior-sanctioned uses could be determined. That notice was also an opportunity to have prior-sanctioned uses of these ingredients recognized by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), or affirmed as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate. FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction at any future time.

No reports of prior-sanctioned uses for these ingredients were submitted in response to the proposal. Therefore, in accordance with the proposal, any right to assert a prior sanction for uses of these ingredients under conditions different form those set forth in this final rule has been waived.

In the proposal, FDA expressed concern about the fact that the 1971 National Academy of Sciences/National Research Council (NAS/NRC) food ingredient survey reported that the total amount (poundage) of vitamin D_2 and vitamin D_3 available for use in food in 1970 was far in excess of the amount needed to fortify foods. Although NAS/NRC additionally reported that its survey on vitamin D_2 and vitamin D_3 did not differentiate between use in human food, in animal feed, or in dietary supplements, and probably contained inaccuracies such as failure to account for dilution of multiple strength solutions, FDA was concerned that extreme overages of this vitamin may be used in food. The agency was also concerned that impure vitamin D resins may be used in food and that there may be insufficient safety data available to support their use. The agency therefore requested specific comments on whether resinous forms of vitamin D are used in food and on the magnitude of any overages of the vitamin that are used.

Fourteen comments were received in response to the proposal. Nine comments were from manufactures of food or food ingredients, two comments were from trade associations, two comments were from universities, and one comment was from a consulting food chemist. A summary of these comments and the agency's responses to them follow:

1. Seven comments responded to the request in the proposal for information on the use of vitamin D resins in food. One comment from a food company stated that it uses only crystalline vitamin D that meets the specifications of the Food Chemicals Codex, 3d Ed. (1981). The six remaining comments indicated that vitamin D resins are currently used in food and requested that the proposal be modified to permit their continued use. These comments stated that vitamin D resins have been used in food since the 1940's, and that no safety problems have been associated with their use. The comments provided information on the methods of manufacture of vitamin D resins and information on their inactive vitamin D isomers and other impurities. One comment claimed that some of the animal studies included in the Select Committee's report were actually conducted on vitamin D resins.

FDA has reviewed the information submitted by these comments and agrees that vitamin D resins may safely be used as alternative sources of vitamin D in food. The comments have provided information demonstrating that the vitamin D resins are manufactured by the same methods that are used to synthesize the crystalline forms of the vitamin, except that the resins are not purified to their crystalline forms. The major impurities found in the resins are unreacted provitamins (ergosterol and 7-dehydrocholesterol), lumisterol, and tachysterol, with minor amounts of other photochemical products. FDA finds that the presence of these impurities in the resins is not harmful. These impurities

[1] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

are the same products that are formed in animals when animals are exposed to sunlight (Ref. 1), and at the levels at which vitamin D is added to food, the impurities will be present in food in amounts that are extremely small, much lower even than the amounts that occur naturally in animals. The agency is therefore modifying the proposal to permit vitamin D_2 and vitamin D_3 resins to be added to foods as alternatives to the crystalline forms of these vitamins.

2. One comment responded to the agency's request for information about the amounts of vitamin D that are being added to foods. The comment did not provide any specific information but acknowledged that it is often necessary to add 25 percent or more vitamin D than is declared on the label to offset losses of the vitamin that may occur during the processing or the storage of food. The comment also acknowledged that overages that are added may result in a higher amount of vitamin D in food products than is declared on the label. The comment, however, did not favor establishment of an upper limit for either the amount of vitamin D added to food or the amount actually remaining in the food. The comment stated that there are many technological problems associated with the use of vitamin D in foods, and it therefore recommended that the agency allow food processors to determine the appropriate amount of overage for each food product.

As indicated in the proposal, FDA is aware that overages of vitamin D are added to foods to offset losses of the vitamin that may occur during processing or storage. The agency is also aware that vitamin D will be more stable in some foods than others, and that there is considerable variation in the expected shelf life of vitamin D in foods. The agency further recognizes that food manufacturers and processors face technical problems in mixing small amounts of vitamin D in foods (usually 0.1 part per million or less) and assaying for these small amounts of the vitamin. Finally, the agency is aware that these problems vary depending upon such factors as whether the food product is a liquid or solid.

Based on these factors, FDA concludes that it cannot establish an upper limit on the amount of vitamin D that can be added in the processing of a particular food. Food manufacturers must determine for their own products, on a case-by-case basis, the amount of vitamin D that will be lost in the processing and in the storage of a particular food before it is delivered for consumer purchase. For the use of vitamin D to be GRAS under the regulation that FDA is adopting, however, the amount of the vitamin that remains in the food at the time it is available for consumer purchase must be within the specific limitation that FDA has established for the applicable food category.

FDA is therefore not making any change in the regulation based upon this issue.

3. Four comments requested that the proposed regulations be modified to permit the interchangeable use of vitamin D_2 and vitamin D_3 in the food categories listed for each of these ingredients. The comments stated that it has been common industry practice to use either vitamin D_2 or vitamin D_3 as a source of vitamin D in foods, and that there is no safety reason to permit only vitamin D_2 for use in breakfast cereals and grain products, as provided in the proposal.

FDA agrees that at current consumption levels, there is no significant difference in the safety of vitamin D_2 and vitamin D_3, and that in most food applications, these substances may be used interchangeably as sources of vitamin D. The agency has therefore modified § 184.1950 (21 CFR 184.1950) to permit the interchangeable use of vitamin D_2 and vitamin D_3 under the specific conditions established in this regulation.

To make clear that crystalline vitamin D_2, crystalline vitamin D_3, and the less pure resinous forms of these vitamins may be used interchangeably in food, the agency has decided not to issue separate regulations affirming the GRAS status of vitamin D_2 and vitamin D_3. Instead, the agency is issuing a single regulation that affirms the GRAS status of vitamin D and that makes clear that crystalline vitamin D_2, crystalline vitamin D_3, vitamin D_2 resin, or vitamin D_3 resin may all be used as a food source of the vitamin within the specific conditions of use established in the regulation.

4. Two comments asserted that the proposal was incomplete regarding the processing and method of manufacture for vitamin D_3. The comments stated that vitamin D_3 is not only obtained from fish liver oil but is also produced from cholesterol obtained from fish oils, wool grease, lanolin, and the brains and spinal cords of animals. According to the comments, the cholesterol is chemically converted to 7-dehydrocholesterol, which in turn is irradiated with ultraviolet light to produce vitamin D_3 (cholecalciferol). One of these comments objected to the inclusion of any methods of manufacture for either vitamin D_2 or vitamin D_3 in the GRAS affirmation regulation. The comment argued that the inclusion of manufacturing methods in the regulation will inhibit development of new methods.

FDA agrees that vitamin D_3 may be safely produced by the method of manufacture described in these comments, and the agency has therefore modified the regulation to incorporate this method. However, the agency does not agree that the regulation should not contain a description of any methods of manufacture. FDA has historically included methods of manufacture in its GRAS affirmation regulations.

In the Federal Register of December 7, 1976 (41 FR 53600), the agency made clear that the descriptions of methods of manufacture included in GRAS affirmation regulations are not intended to inhibit the development of new methods or to inhibit modifications in the methods of manufacture that are included in the regulations. FDA includes methods of manufacture in GRAS affirmation regulations to define as thoroughly as possible the composition of the ingredient that has been evaluated and affirmed as GRAS (21 CFR 184.1(a)) and to differentiate it from other possible versions of the ingredient that the agency has not affirmed as GRAS.

Manufacturers who modify a method or develop a new method of manufacture will be able to determine, by comparing the new method with the methods set forth in the regulation, whether the new method introduces impurities that may require a new evaluation of the safety of the substance. Methods of manufacture also supplement the food-grade specifications for an ingredient because inclusion of these methods helps to identify potential impurities in GRAS ingredients that may not be included in their food-grade specifications.

A description of manufacturing methods is necessary in this regulation because specifications have not yet been established for the resin forms of vitamin D2 and vitamin D3.

5. Two comments objected to the adoption of specific limitations on the use of vitamin D in foods. The comments stated that food manufacturers have acted responsibly in adding vitamin D to foods, and that FDA should continue to grant flexibility to food manufacturers in using vitamin D in foods. One of the comments also stated that it is unnecessarily burdensome to petition FDA to adopt new food uses for vitamin D.

FDA disagrees with these comments. The agency's GRAS affirmation

proposal on vitamin D stated that both FDA and the Select Committee have concluded that "* * * it is not possible to determine, without additional data, whether a significant increase in consumption of vitamin D2 and vitamin D3 would constitute a dietary hazard." This conclusion makes clear the agency's and the Select Committee's concern about expanded food uses of vitamin D. The basis for this concern is the small margin of safety between the total amount of vitamin D that is added to food and the amount of the vitamin that can produce toxic effects in humans.

FDA finds that specific limitations on the use of vitamin D in food are necessary to assure that total dietary exposure to this ingredient does not increase significantly. In addition, the agency concludes that the concern about the margin of safety for this ingredient establishes an appropriate basis for requiring food manufacturers to petition the agency for GRAS affirmation or food additive approval for new food uses of this vitamin, and that adoption of such uses should not be left only to the judgment of individual food manufacturers. FDA also points out that its decision to adopt specific limitations for the use of vitamin D in food is consistent with its adoption of specific limitations for other GRAS ingredients about which the agency has had similar concerns.

FDA also does not agree that petitioning the agency for new uses of vitamin D is unnecessarily burdensome. As indicated above, the agency concludes that a petition for new food uses of vitamin D is necessary so that the agency can assure that total dietary exposure will not increase significantly, and that any increase in exposure is safe.

6. One comment, from a company that manufactures breakfast cereals, requested that FDA affirm the GRAS status of breakfast cereals that contain 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) per 1 ounce serving (1,410 International Units (IU) per 100 grams (g)). The comment stated that there is no evidence that vitamin D is unsafe when used at this level. The comment also stated that in 1981, the company reduced the amount of vitamin D in two of its breakfast cereals from 100 percent of the U.S. RDA to 50 percent of the U.S. RDA per ounce.

FDA is not affirming that the use of vitamin D at the suggested levels in breakfast cereals is GRAS. As indicated in the proposal, FDA estimates that average lifetime exposure to vitamin D, based upon those uses included in the proposal, is 200 to 300 IU per day for individuals between the ages of 2 and 65 years. This average lifetime estimate includes 25 IU per day for breakfast cereals. On the other hand, it is apparent that many individuals consume multiple servings of breakfast cereal fortified with vitamin D, and that their consumption exceeds the average intake to a significant degree. Data from the Nationwide Food Consumption Survey (Ref. 2) demonstrate that some individuals in all age groups beginning at 9 years of age or older consume more than 100 g of ready-to-eat cereal per day. For these individuals, the risk posed by increases in vitamin D levels in breakfast cereals to 705 or 1,410 IU per 100 g, as requested in this comment, is unknown. The agency therefore concludes that it cannot affirm the GRAS status of these levels of use of vitamin D without additional data demonstrating that such uses are safe.

The agency further concludes that it is the responsibility of this cereal manufacturer to demonstrate the safety of its products, and that the comment is in error in its assertion that FDA should affirm the GRAS status of these uses of vitamin D because there is no evidence to demonstrate that they are unsafe. For these reasons, the agency is maintaining the limitation of 350 IU per 100 g as the maximum level of use for vitamin D in breakfast cereals.

The agency also points out in response to the comment that cereal products that contain 705 IU vitamin D per 100 g (equivalent to 50 percent of the U.S. RDA) are foods for special dietary use, as defined in 21 CFR 101.9(a)(2). FDA does not consider these products to be conventional foods, and therefore they are not covered by this regulation.

7. Five comments requested that the proposal be modified to include certain special dietary foods and enteral formulas. The comments urged that the proposal be expanded to include such products as formulated liquid diets, meal replacements, dry diet mixes, fortified drinks and mixes, and diet bars. Two of these comments requested that the maximum level for vitamin D in these special dietary foods and enteral formulas be set at 250 IU per 100 grams, as served. One of these comments submitted food labels from some of the products.

FDA has inspected the food labels that were submitted and has carefully considered whether it has sufficient information on these products to evaluate the safety of these uses of vitamin D. The agency finds that many of the products referred to in the comments, such as weight control milk beverages and flavorings for milk, were included in the proposal under the food category milk products, as described in 21 CFR 170.3(n)(31). The level of use of vitamin D in these products is within the maximum level of use included in § 184.1450(c)(1).

However, the agency finds that enteral formulas and the other products discussed in these comments are not included in the 43 food categories identified as conventional foods in 21 CFR 170.3(n), and that the use of vitamin D in these types of products was not evaluated by the Select Committee. The agency further finds that the comments do not provide appropriate information on the amount of vitamin D contained in these products, dietary serving (portion) size for these products, or the amount of these products that will be ingested daily. The agency cannot evaluate the safety of the use of vitamin D in these products without this information. FDA is, therefore, not including these uses in this final rule.

If manufacturers of special dietary foods and enteral formulas wish to have the GRAS affirmation regulation for vitamin D amended to include use of vitamin D in their products, they should submit, in accordance with 21 CFR 170.30, a GRAS affirmation petition providing specific information on the amount of vitamin D that is contained in their products and the amount of the product that will be ingested daily.

Because no food-grade specifications exist for vitamin D_2 and vitamin D_3 resins at the present time, the agency will work with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop acceptable specifications for these resins. If acceptable specifications are developed, the agency will incorporate them into this regulation at a later date. Until specifications are developed, FDA has determined that the public health will be adequately protected if vitamin D resins comply with their descriptions in the regulation and are of a purity suitable for their intended use in food (21 CFR 184.1(b)).

The agency has made editorial changes in § 184.1950(a) (1) and (2) to reflect the fact that vitamin D_2 and vitamin D_3 are made b ultraviolet irradiation of provitamin D_2 and provitamin D_3.

The agency has previously determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. FDA has not received any new information or comments that would alter its previous determination.

In accordance with the Regulatory Flexibility Act, the agency previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency had determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

In accordance with Executive Order 12291, the agency has previously considered the potential economic effects of this final rule. As announced in the proposal, the agency has determined that the rule is not a major rule as determined by that Order. FDA has not received any new information or comments that would alter its previous determination.

The agency's findings of no economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Hirsh, A.L., "Vitamin D," *In* "Encyclopedia of Chemical Technology," Kirk-Othmer, 3d ed., John Wiley and Sons, Inc., New York, 1984, Vol. 24, pp. 186–216.

2. "Foods Commonly Eaten by Individuals: Amount per Day and per Eating Occasion," E.M. Pao, K.H. Fleming, P.M. Guenther, S.J. Mickle, p. 200, March 1982. (Available from Superintendent of Documents, Government Printing Office, Washington, DC 20402, as S/N 001–000–04267–0.)

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients; Spices and flavorings.

21 CFR Part 184

Direct food ingredients; Food ingredients; Generally recognized as safe (GRAS) food ingredients; Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 182 and 184 are amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. The authority citation for Part 182 continues to read as follows:

Authority: Secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371); 21 CFR 5.10.

2. Part 182 is amended:

§ 182.8950 [Removed]

a. By removing § 182.8950 *Vitamin D_2*.

§ 182.8953 [Removed]

b. By removing § 182.8953 *Vitamin D_3*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. The authority citation for Part 184 continues to read as follows:

Authority: Secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371); 21 CFR 5.10.

4. Part 184 is amended by adding new § 184.1950 to read as follows:

§ 184.1950 Vitamin D.

(a) Vitamin D is added to food as the following food ingredients:

(1) Crystalline vitamin D_2 ($C_{28}H_{44}O$, CAS Reg. No. 50–14–6), also known as ergocalciferol, is the chemical 9,10-seco(5Z,7E,22E)-5,7,10(19),22-ergostatetraen-3-ol. The ingredient is produced by ultraviolet irradiation of ergosterol isolated from yeast and related fungi and is purified by crystallization.

(2) Crystalline vitamin D_3 ($C_{27}H_{44}O$, CAS Reg. No. 67–97–0), also known as cholecalciferol, is the chemical 9,10-seco(5Z,7E,)-5,7,10(19)-cholestatrien-3-ol. Vitamin D_3 occurs in, and is isolated from, fish liver oils. It is also manufactured by ultraviolet irradiation of 7-dehydrocholesterol produced from cholesterol. It is purified by crystallization. Vitamin D_3 is the vitamin D form that is produced endogenously in humans through sunlight activation of 7-dehydrocholesterol in the skin.

3. Vitamin D_2 resin and vitamin D_3 resin are the concentrated forms of irradiated ergosterol (D_2) and irradiated 7-dehydrocholesterol (D_3) that are separated from the reacting materials in paragraphs (a) (1) and (2) of this section. The resulting products are sold as food sources of vitamin D without further purification.

(b) Vitamin D_2 and vitamin D_3 as crystals meet the specifications of the Food Chemicals Codex, 3d Ed. (1981), pp. 344 and 345, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. FDA is developing food-grade specifications for vitamin D_2 resin and vitamin D_3 resin in cooperation with the National Academy of Sciences. In the interim, these resins must be of a purity suitable for their intended use.

(c)(1) In accordance with § 184.1(b)(2), the ingredients are used in food as the sole source of added vitamin D only within the following specific limitations:

Category of food	Maximum levels in food (as served)	Functional use
Breakfast cereals, § 170.3(n)(4) of this chapter.	350 (IU/100 grams).	Nutrient supplement, § 170.3(o)(20) of this chapter.
Grain products and pastas, § 170.3(n)(23) of this chapter.	90(IU/100 grams)	Do.
Milk, § 170.3(n)(30) of this chapter.	42 (IU/100 grams)	Do.
Milk products, § 170.3(n)(31) of this chapter.	89 (IU/100 grams)	Do.

(2) Vitamin D may be used in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

(3) Vitamin D may be used in margarine in accordance with § 166.110 of this chapter.

(d) Prior sanctions for these ingredients different from the uses established in this section do not exist or have been waived.

Effective date. This regulation is effective August 23, 1985.

Dated: July 2, 1985.

Joseph P. Hile,

Acting Commissioner of Food and Drugs.

[FR Doc. 85–17525 Filed 7–23–85; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Furazolidone Aerosol Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the correct specifications for a previously approved furazolidone aerosol powder product.

EFFECTIVE DATE: July 24, 1985.

FOR FURTHER INFORMATION CONTACT: Frank G. Pugliese, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.

SUPPLEMENTARY INFORMATION: On February 3, 1966, FDA approved, by letter, Norwich-Eaton's NADA 32–319 for a 4 percent furazolidone aerosol spray for cattle for treating bacterial eye infections and for dogs and horses for preventing or treating bacterial infections of superficial wounds. By letter of October 31, 1979, FDA approved a 10 percent formulation to replace the 4 percent formulation. FDA codified the approval in 21 CFR 524.1005 in the Federal Register of July 25, 1980 (45 FR 49543). However, the regulation failed to reflect the amended specification for the Norwich-Eaton product. The sponsorship of NADA 32–319 was subsequently transferred to SmithKline Animal Health Products (see 48 FR 28983; June 24, 1983). This document revises 21 CFR 524.1005 to reflect the currently approved specifications for that products.

List of Subjects in 21 CFR Part 524

Animal drugs, topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 524 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 524.1005 is amended by revising paragraphs (a) and (b) to read as follows:

§ 524.1005 Furazolidone aerosol powder.

(a) *Specifications.* The product contains either 4 or 10 percent furazolidone in inert dispersing agent and propellant.

(b) *Sponsors.* (1) See No. 000007 in § 510.600(c) of this chapter for use of the 10 percent product as in paragraph (c)(2)(i) through (iii) of this section.

(2) See No. 017135 for use of the 4 percent product as in paragraph (c)(2)(iv) of this section.

* * * * *

Dated: July 18, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85–17534 Filed 7–23–85; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 801

[Docket No. 84N–0148]

Medical Devices; Hearing Aids; Technical Data Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the technical data sections of the agency's regulation on hearing aid devices' professional and patient labeling to incorporate by reference an updated standard.

DATES: Effective January 20, 1986. The Director of the Office of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 801.420 on January 20, 1986.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 14, 1984 (49 FR 32402), FDA proposed to amend its hearing aid regulation (21 CFR 801.420) to refer to the American National Standards Institute's (ANSI) updated ANSI S3.22–1982 (ASA 7–1982), "American National Standard Specification of Hearing Aid Characteristics." This updated standard is a modified version of ANSI S3.22–1976 (ASA 7–1976) which is incorporated by reference into § 801.420(c)(4) (approved by the Office of Management and Budget under control number 0910–0171).

The final rule amends § 801.420(c)(4) by incorporating by reference into the regulation the updated standard, ANSI S3.22–1982 ASA 7–1982). The final rule also requires that the User Instructional Brochure or other labeling accompanying the hearing aid include, as a minimum, the appropriate values or information for the technical data specified in § 801.420(c)(4)(i) through (xii), as those elements are defined or used in ANSI S3.22–1982 (ASA 7–1982). The final rule does not affect any other provision of § 801.420.

Comments

FDA received two comments on the proposed rule. One comment supported FDA's updating of § 801.420(c), stating that the revisions reflect timely and important scientific advances in the measurement and fitting of hearing aids. Another comment supported the proposed revisions, but argued that FDA's assessment of the economic effects of the proposed rule underestimated the cost of complying with the revisions. In the proposed rule, the agency determined that maximum cost of meeting the revised regulation for a manufacturer or distributor would be $1,000 (see 49 FR 32402). The comment claimed that $2,600 is a more realistic cost of compliance. The comment argued that compliance with the revision would require purchasing new program modules and reprogramming presently utilized testing equipment. The comment also argued that incorporating the revised technical test data into the hearing aid labeling would require costly, burdensome reprinting of labeling. For these reasons, the comment suggested that FDA could better ensure an inexpensive transition by providing a 360-day delayed effective date for the final rule, rather than the 180-day delayed effective date prescribed by FDA in the preamble to the proposed rule.

FDA disagrees with the latter comment. FDA has carefully reevaluated its assessment of the economic effect of the rule but continues to believe that only minor changes in testing procedures will be necessary. Essentially, all testing changes can be accomplished satisfactorily with existing equipment. Only § 801.420(c)(4)(ix), which establishes a tolerance level to minimize errors in measuring battery current drain in the hearing aid, might obligate persons that develop the brochure or labeling to purchase new testing equipment. As ANSI S3.22–1982 applies this section, a worst-case condition would require the developer to purchase a milliameter, an inexpensive accessory costing about $50. Because manufacturers will perform the testing and develop the user instructional brochures, FDA believes that it is highly unlikely that any distributor will need to purchase new equipment.

Additionally, FDA disagrees that any costly revisions of the User Instructional Brochure or of other labeling are necessary. Therefore, FDA concludes that a 6-month delayed effective date is adequate time for manufacturers to revise the User Instructional Brochure,

or separate labeling that accompanies the device to incorporate the updated procedures for determining technical data values, provided in these documents.

FDA concludes that its original worst-case total cost estimate of slightly more than $1 million is unchanged and reaffirms its initial determination that the rule does not require a regulatory impact analysis under Executive Order 12291. Further, in accordance with section 605(b) of the Regulatory Flexibility Act, FDA concludes that the final rule will not have a significant economic impact on a substantial number of small entities, including small businesses. Even if the agency were to accept the comment's cost figure of $2,600 per company, this would not be a substantial impact on small businesses.

List of Subjects in 21 CFR Part 801

Incorporation by reference, Labeling, Medical devices, Over-the-counter devices, Prescription devices, Requirements for specific devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 801 is amended as follows:

PART 801—LABELING

1. The authority citation for Part 801 is revised to read as follows:

Authority: Sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371) unless otherwise noted; 21 CFR 5.10, § 801.420 also is issued under secs. 201(h), (k), (m), and (n), 502, 519, 520(e), 704, 52 Stat. 1041 as amended, 1050–1051 as amended, 67 Stat. 477 as amended, 90 Stat. 564–565, 567, 575 (21 U.S.C. 321(h), (k), (m), and (n), 352, 360i, 360j(e), 374).

2. In § 801.420(c)(4) by revising the second and third sentences to read as follows:

§ 801.420 Hearing aid devices; professional and patient labeling.

* * * * *

(c) * * *

(4) * * * The determination of technical data values for the hearing aid labeling shall be conducted in accordance with the test procedures of the American National Standard Specification of Hearing Aid Characteristics, ANSI S3.22–1982 (Revision of S3.22–1976) (ASA 7–1982), which is incorporated by reference. Copies are available from the American National Standards Institute, 1430 Broadway, New York, NY 10018, or are available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. * * *

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Dated: July 2, 1985.

Joseph P. Hile,

Acting Commissioner of Food and Drugs.

[FR Doc. 85–17532 Filed 7–23–85; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N–85–1540; FR–2127]

Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This Notice is the annual complete listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act and their applicable limits. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices and notice of the determination is published in the **Federal Register.**

EFFECTIVE DATE: July 24, 1985.

FOR FURTHER INFORMATION CONTACT: For single family: Brian Chappelle, Director, Single Family Development Division, Room 9270; telephone (202) 755–6720. For manufactured homes: Christopher Peterson, Director, Office of Title I Insured Loans, Room 9160; telephone (202) 755–6880; 451 Seventh Street, S.W., Washington, D.C. 20410. (Telephones are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA) (12 U.S.C. 1701–1749) authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

The Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98–181, November 30, 1983) (the 1983 Act) further amended HUD's insuring authority. Of particular interest here are: (1) the authorization to insure condominiums in high-cost areas at the same levels as the high-cost limits for one-family residences insured under section 203(b) of the National Housing Act; and (2) the authorization to increase maximum loan limits under the Title I loan insurance program for combination manufactured home and lot loans and for individual lot loans in high-cost areas, so long as the percentage increase in the maximum loan limit does not exceed the percentage increase made to a one-family resident in the area authorized under section 203(b) of the NHA.

The Department implemented these provisions of the 1983 Act in related documents published in the **Federal Register** on April 11, 1984 (see 49 FR 14332, 14335, 14336), effective May 22, 1984. These documents amended the Department's rules to codify the procedure of announcing high-cost mortgage limits for single-family residences, condominiums, combination manufactured homes and lots and manufactured home lots by notice in the **Federal Register** (see the April 11, 1984 documents, amending 24 CFR 201.1504, 203.18b, 203.29, 234.27, and 234.49). In addition, the documents codified the procedure whereby a party may request an alternative mortgage limit (see the same sections cited above).

On May 22, 1984, the Department published a revised list of areas eligible for "high-cost" mortgage limits, which contained several new features. (See 49 FR 21520.) First, there was no separate listing for condominium units, since these limits are not the same as those for other one-family residences. Second, the listing included instructions on how to compute the high-cost limits for combination manufactured homes and lots and individual lots, and specified the special high-cost amounts for manufactured homes, combination manufactured homes and lots and individual lots insured in Alaska, Guam and Hawaii. And, third, it made changes to the list based on a new definition of "metropolitan area".

On December 6, 1984 (49 FR 47657) and May 8, 1985 (50 FR 19341), the Department published amendments to

the "high-cost" mortgage amounts that added additional areas and further increased the limits of several previously designated high-cost areas.

This Document

In this document, the Department publishes its entire list of high-cost areas with applicable mortgage limits. It incorporates the updates published on December 6, 1984 (49 FR 47657) and May 8, 1985 (50 FR 19341).

In addition, it adds the following new high-cost areas, with applicable limits: Hamilton County, IN; Hendricks County, IN; Johnson County, IN; Marion County, IN; Lafayette Parish, LA; Feller County, CO; Fargo-Moorhead, ND–MN MSA; Sedgwick County, KS; Minnehaha County, SD; Lincoln County, SD; Pennington County, SD; Meade County, SD; Lowndes County, MS; and Galveston County, TX.

It further increases the limits for the following existing high-cost areas: Hillsborough County, NH; Bristol County, MA; Essex County, MA; Middlesex County, MA; Norfolk County, MA; Plymouth County, MA; Suffolk County, MA; Worcester County, MA; Fairfield County, CT; New Haven County, CT; Litchfield County, CT; Richmond-Petersburg, VA MSA; Salt Lake City-Ogden, UT MSA; and Phoenix, AZ MSA.

These high-cost limits are effective July 24, 1985 and supersede other published amounts in effect, to the extent they are inconsistent with figures appearing in this document.

The listing of high-cost areas appears in two parts. Part I explains high-cost limits for mortgatges insured under Title I of the National Housing Act. Part II lists each high-cost area, with applicable limits for single family residences (including condominiums) insured under sections 203(b), 234(c) and 214 of the National Housing Act.

List of Subjects

24 CFR Part 201

Fire prevention, Health facilities, Historic preservation, Home improvement, Loan programs—housing and community development, Manufactured homes, Reporting and recordkeeping requirements.

24 CFR Part 203

Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 234

Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, the Department publishes the revised dollar limitations as follows:

National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. Section 2(b)(1)(D). Combination manufactured home and lot (excluding Alaska, Guam and Hawaii):

To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by .80. For example, the first entry, Bristol County, MA, has a one-family limit of $90,000. The combination home and lot loan limit for Bristol County is $90,000 × .80, or $72,000.

B. Section 2(b)(1)(E): Lot only (excluding Alaska, Guam and Hawaii):

To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, the first entry, Bristol County, MA, has a one-family limit of $90,000. The lot only loan limit for Bristol County is $90,000 × .20, or $18,000.

C. Section 2(b)(2). Alaska, Guam and Hawaii limits:

The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: $56,700. ($40,500 × 140%).

2. For combination manufactured homes and lots: $75,600. ($54,000 × 140%).

3. For lots only: $18,900. ($13,500 × 140%).

II. Title II

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
Region I				
HUD FIELD OFFICE: BOSTON OFFICE				
Bristol County Essex County Middlesex County Norfolk County Plymouth County Suffolk County Worcester County	$90,000	$101,300	$122,650	$142,650
Berkshire County	$72,200	$81,300	$98,800	$114,000
Fairfield County Litchfield County New Haven County Middlesex County New London County Tolland County	$90,000	$101,300	$122,650	$142,650
Hartford County	$79,800	$89,850	$109,200	$126,000
Other Areas	$71,800	$80,900	$98,300	$113,400
HUD FIELD OFFICE: MANCHESTER OFFICE				
Hillsborough County Rockingham County	$72,350	$81,500	$99,050	$114,300
Region II				
HUD FIELD OFFICE: CARIBBEAN OFFICE				
San Juan, PR PMSA Barceloneta Municipio Bayamon Municipio Canovanas Municipio Carolina Municipio Catano Municipio Corozal Municipio Dorado Municipio Fajardo Municipio Florida Municipio Guaynabo Municipio Humacao Municipio Juncos Municipio Las Piedras Municipio Loiza Municipio Luquillo Municipio Manati Municipio Naranjito Municipio Rio Grande Municipio San Juan Municipio Toa Alta Municipio Toa Baja Municipio Trujillo Alto Municipio Vega Alta Municipio Vega Baja Municipio	$87,100	$98,100	$119,200	$137,550
Caguas, PR PMSA Aguas Buenas Municipio Caguas Municipio Cayey Municipio Cidra Municipio Gurabo Municipio San Lorenzo Municipio	$79,400	$89,450	$108,700	$125,400

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
Mayaguez, PR MSA				
Anasco Municipio	$79,650	$89,700	$109,000	$125,800
Cabo Rojo Municipio				
Hormigueros Municipio				
Mayaguez Municipio				
San German Municipio				
Ponce, PR MSA				
Juana Diaz Municipio	$81,700	$92,000	$111,800	$129,000
Ponce Municipio				
HUD FIELD OFFICE: NEW YORK OFFICE				
New York, NY PMSA				
Bronx County	$90,000	$101,300	$122,650	$142,650
Kings County				
New York County				
Putnam County				
Queens County				
Richmond County				
Rockland County				
Westchester County				
Nassau-Suffolk, NY PMSA				
Nassau County	$90,000	$101,300	$122,650	$142,650
Suffolk County				
HUD FIELD OFFICE: ALBANY OFFICE				
Albany County	$85,500	$98,300	$117,000	$135,000
Saratoga County				
Schenectady County				
Dutchess County	$90,000	$101,300	$122,650	$142,650
Ulster County				
Onondaga County	$84,350	$95,000	$115,400	$133,200
HUD FIELD OFFICE: NEWARK OFFICE				
Bergen-Passaic, NJ PMSA				
Bergen County	$90,000	$101,300	$122,650	$142,650
Passaic County				
Jersey City, NJ PMSA				
Hudson County	$90,000	$101,300	$122,650	$142,650
Middlesex-Somerset-Hunterdon, NJ PMSA				
Hunterdon County	$90,000	$101,300	$122,650	$142,650
Middlesex County				
Somerset County				
Monmouth-Ocean, NJ PMSA				
Monmouth County	$90,000	$101,300	$122,650	$142,650
Newark, NJ PMSA				
Essex County	$90,000	$101,300	$122,650	$142,650
Morris County				
Sussex County				
Union County				

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD FIELD OFFICE: CAMDEN OFFICE				
Atlantic City, NJ MSA				
Atlantic County	$89,000	$100,000	$121,000	$141,000
Cape May County				
Monmouth-Ocean, NJ PMSA				
Ocean County	$90,000	$101,300	$122,650	$142,650
Trenton, NJ MSA				
Mercer County	$88,500	$77,000	$93,500	$108,000
Wilmington, DE-NJ-MD PMSA				
Salem County, NJ	$70,200	$79,100	$96,100	$110,900
HUD FIELD OFFICE: BUFFALO OFFICE				
Monroe County	$71,250	$80,250	$97,500	$112,000
Region III				
HUD FIELD OFFICE: PHILADELPHIA OFFICE				
Chester County, PA	$90,000	$101,300	$122,650	$142,650
Delaware County, PA	$78,850	$88,800	$107,900	$124,500
Montgomery County, PA	$77,450	$87,200	$105,950	$122,250
HUD FIELD OFFICE: WASHINGTON, DC OFFICE				
Washington, DC-MD-VA MSA				
District of Columbia	$90,000	$101,300	$122,650	$142,650
Montgomery County, MD				
Prince Georges County, MD				
Alexandria City, VA				
Arlington County, VA				
Fairfax County, VA				
Falls Church City, VA				
Loudon County, VA				
Manassas City, VA				
Manassas Park City, VA				
Prince William County, VA				
HUD FIELD OFFICE: BALTIMORE OFFICE				
Washington, DC-MD-VA MSA				
Charles County, MD	$90,000	$101,300	$122,650	$142,650
Calvert County, MD				
Frederick County, MD				
Baltimore, MD MSA (part)				
Howard County	$90,000	$101,300	$122,650	$142,650
Anne Arundel County				
Baltimore, MD MSA (part)				
Baltimore City	$81,400	$91,700	$111,400	$128,550

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
Baltimore County				
Carroll County				
Harford County				
Queen Anne's County				
Wilmington, DE-NJ-MD PMSA				
Cecil County, MD	$70,200	$79,100	$96,100	$110,900
Other Areas:				
Worcester County, MD	$71,250	$80,250	$97,500	$112,500
HUD FIELD OFFICE: RICHMOND OFFICE				
Washington, DC-MD-VA MSA				
Stafford County, VA	$90,000	$101,300	$122,650	$142,650
Richmond-Petersburg, VA MSA				
Charles City County	$72,200	$81,300	$98,800	$114,000
Chesterfield County				
Colonial Heights City				
Dinwiddie County				
Goochland County				
Hanover County				
Henrico County				
Hopewell City				
New Kent County				
Petersburg City				
Powhatan County				
Richmond City				
Norfolk-VA Beach-Newport News, VA MSA				
Chesapeake City	$78,500	$88,450	$107,450	$124,000
Gloucester County				
Hampton City				
James City County				
Newport News City				
Norfolk City				
Poquoson City				
Portsmouth City				
Suffolk City				
Virginia Beach City				
Williamsburg City				
York County				
HUD FIELD OFFICE: WILMINGTON OFFICE				
Wilmington, DE-NJ-MD PMSA				
New Castle County, DE	$70,200	$79,100	$96,100	$110,900
Region IV				
HUD FIELD OFFICE: COLUMBIA OFFICE				
Charleston-North Charleston, SC MSA				
Berkeley County	$80,500	$90,500	$110,000	$127,500
Charleston County				

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
Dorchester County				
Greenville-Spartanburg, SC MSA				
Greenville County	$72,900	$82,100	$99,700	$115,100
Pickens County				
Spartanburg County				
Charlotte-Gastonia-Rock Hill, NC-SC MSA (part)				
York County, SC	$76,000	$85,500	$104,000	$120,500
HUD FIELD OFFICE: GREENSBORO OFFICE				
Raleigh-Durham, NC MSA				
Durham County	$75,800	$85,350	$103,700	$119,700
Franklin County				
Orange County				
Wake County				
Charlotte-Gastonia-Rock Hill, NC-SC MSA				
Cabarrus County	$76,000	$85,500	$104,000	$120,500
Gaston County				
Lincoln County				
Mecklenburg County				
Rowan County				
Union County				
Other Areas:				
Guilford County	$74,550	$83,950	$102,050	$117,750
FIELD OFFICE: ATLANTA OFFICE				
Atlanta, GA MSA				
Barrow County	$85,250	$96,000	$116,650	$134,600
Butts County				
Cherokee County				
Clayton County				
Cobb County				
Coweta County				
De Kalb County				
Douglas County				
Fayette County				
Forsyth County				
Fulton County				
Gwinnett County				
Henry County				
Newton County				
Paulding County				
Rockdale County				
Spalding County				
Watton County				
HUD FIELD OFFICE: BIRMINGHAM OFFICE				
Mobile, AL MSA				
Baldwin County	$75,000	$84,000	$102,500	$118,000
Mobile County				
Montgomery, AL MSA				
Autauga County				
Elmore County				
Montgomery County				
Birmingham, AL MSA				
Blount County	$69,550	$78,300	$95,150	$109,800
Jefferson County				
St. Clair County				
Shelby County				
Walker County				
HUD FIELD OFFICE: LOUISVILLE OFFICE				
Cincinnati, OH-KY-IN PMSA (part)				
Boone County, KY	$80,750	$90,950	$110,500	$127,500
Campbell County, KY				
Kenton County, KY				
Other Areas:				
Fayette County	$85,500	$96,300	$117,000	$135,000
HUD FIELD OFFICE: MEMPHIS OFFICE				
Memphis, TN-AR-MS MSA				
Shelby, County, TN	$87,750	$98,850	$120,100	$138,600
Tipton County, TN				
HUD FIELD OFFICE: NASHVILLE OFFICE				
Nashville, TN MSA				
Cheatham County	$75,000	$84,000	$102,500	$118,000
Davidson County				
Dickson County				
Robertson County				
Rutherford County				
Sumner County				
Williamson County				
Wilson County				
HUD FIELD OFFICE: JACKSON OFFICE				
Jackson, MS MSA				
Hinds County	$76,000	$85,600	$104,000	$120,000
Madison County				
Rankin County				
Memphis, TN-AR-MS MSA				
Desoto County, MS	$87,750	$98,850	$120,100	$138,600
Other Areas:				
Lowndes County	$70,200	$79,100	$96,100	$110,900
HUD FIELD OFFICE: CORAL GABLES OFFICE				
FL Lauderdale-Hollywood-Pompano Beach, FL PMSA				
Broward County	$78,700	$88,700	$107,700	$124,300
Miami-Hialeah, FL PMSA				
Dade County	$81,600	$92,100	$111,900	$129,100
West Palm Beach-Boca Raton-Delray Beach, FL MSA				
Palm Beach County	$79,700	$89,800	$109,100	$125,900
Other Areas:				
Collier County	$76,000	$85,500	$103,500	$120,500
Monroe County	$80,750	$90,950	$110,500	$127,500
HUD FIELD OFFICE: TAMPA OFFICE				
Sarasota, FL MSA				
Sarasota County	$76,100	$85,700	$104,100	$120,100
Tampa-St. Petersburgh-Clearwater, FL MSA				
Hernando County	$71,500	$80,500	$97,900	$112,900
Hillsborough County				
Pasco County				
Pinellas County				
HUD FIELD OFFICE: JACKSONVILLE OFFICE				
Jacksonville, FL MSA				
Clay County	$72,800	$82,000	$99,600	$114,950
Duval County				
Nassau County				
St. Johns County				
HUD FIELD OFFICE: ORLANDO OFFICE				
Orlando, FL MSA				
Orange County	$72,800	$82,000	$99,600	$114,950
Osceola County				
Seminole County				
Region V				
HUD FIELD OFFICE: MINNEAPOLIS-ST. PAUL OFFICE				
Minneapolis-St. Paul, MN MSA				
Anoka County	$90,000	$101,300	$122,650	$142,650
Carver County				
Chisago County				
Dakota County				
Hennepin County				
Isanti County				
Ramsey County				
Scott County				
Washington County				
Wright County				
St. Cloud, MN MSA				
Benton County	$68,500	$77,000	$93,500	$108,500
Sherburne County				
Stearns County				
Fargo-Moorhead, ND-MN MSA				
Clay County	$77,900	$87,750	$106,600	$123,000
HUD FIELD OFFICE: MILWAUKEE OFFICE				
Minneapolis-St. Paul, MN MSA				
St. Croix County, WI	$90,000	$101,300	$122,650	$142,650
Milwaukee, WI PMSA				
Milwaukee County	$77,800	$87,600	$106,450	$122,650

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
Ozaukee County Washington County Waukesha County Madison, WI Dane County	$70,800	$79,750	$96,900	$111,800
HUD FIELD OFFICE: CHICAGO OFFICE				
Chicago, IL PMSA Cook County DuPage County McHenry County Lake County, IL PMSA Lake County	$87,250	$98,300	$119,400	$137,800
Joliet, IL PMSA Grundy County Will County	$87,250	$98,300	$119,400	$137,800
Aurora-Elgin, IL PMSA Kane County Kendall County	$87,250	$98,300	$119,400	$137,800
St. Louis, MO-IL PMSA Monroe County, IL	$85,500	$96,300	$117,000	$135,000
East St. Louis-Belleville, IL PMSA Clinton County, IL St. Clair County, IL	$85,500	$96,300	$117,000	$135,000
HUD FIELD OFFICE: DETROIT OFFICE				
Detroit, MI PMSA Lapeer County Livingston County Macomb County Monroe County Oakland County St. Clair County Wayne County	$75,300	$84,800	$103,000	$118,900
Ann Arbor, MI PMSA Washtenaw County	$76,800	$86,500	$105,100	$121,250
HUD FIELD OFFICE: CLEVELAND OFFICE				
Cleveland, OH PMSA Cuyahoga County Geauga County Lake County Medina County	$75,400	$84,900	$103,100	$119,000
HUD FIELD OFFICE: COLUMBUS OFFICE				
Columbus, OH MSA Delaware County Fairfield County Franklin County Licking County Madison County Pickaway County Union County	$81,100	$91,400	$111,000	$128,100

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD FIELD OFFICE: CINCINNATI OFFICE				
Cincinnati, OH-KY-IN PMSA (part) Clermont County, OH Hamilton County, OH Warren County, OH Hamilton-Middleton, OH PMSA Butler County	$80,750	$90,950	$110,500	$127,500
HUD FIELD OFFICE: INDIANAPOLIS OFFICE				
Cincinnati, OH-KY-IN PMSA (part) Dearborn County, IN	$80,750	$90,950	$110,500	$127,500
Other Areas: Hamilton County Hendricks County Johnson County Marion County	$80,750	$90,950	$110,500	$127,500
Region VI				
HUD FIELD OFFICE: DALLAS OFFICE				
Dallas, TX PMSA Collin County Dallas County Denton County Ellis County Kaufman County Rockwall County	$90,000	$101,300	$122,650	$142,650
Sherman-Denison, TX MSA Grayson County	$78,000	$88,000	$106,500	$124,000
HUD FIELD OFFICE: FORT WORTH OFFICE				
Ft. Worth-Arlington, TX PMSA Johnson County Parker County Tarrant County	$90,000	$101,300	$122,650	$142,650
HUD FIELD OFFICE: HOUSTON OFFICE				
Houston, TX PMSA Brazoria County Ft. Bend County Harris County Liberty County Montgomery County Waller County	$90,000	$101,300	$122,650	$142,650
Other Areas: Galveston County	$90,000	$101,300	$122,650	$142,650
HUD FIELD OFFICE: LUBBOCK OFFICE				
Amarillo, TX MSA Potter County	$68,500	$77,000	$93,500	$108,500

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
Randall County Lubbock, TX MSA Lubbock County	$70,000	$78,500	$95,500	$110,500
Midland, TX MSA Midland County	$70,000	$78,500	$95,500	$110,500
HUD FIELD OFFICE: SAN ANTONIO OFFICE				
Austin, TX MSA Hays County Travis County Williamson County	$90,000	$101,300	$122,650	$142,650
San Antonio, TX MSA Bexar County Comal County Guadalupe County	$82,750	$93,250	$113,250	$130,700
Corpus Christi, TX MSA Nueces County San Patricio County	$70,000	$78,500	$95,500	$110,500
HUD FIELD OFFICE: LITTLE ROCK OFFICE				
Memphis, TN-AR-MS MSA Crittenden County, AR	$87,750	$98,850	$120,100	$138,600
HUD FIELD OFFICE: OKLAHOMA CITY OFFICE				
Oklahoma City, OK MSA Canadian County Cleveland County Logan County McClain County Oklahoma County Pottawatomie County	$72,800	$82,000	$99,600	$114,950
HUD FIELD OFFICE: NEW ORLEANS OFFICE				
Baton Rouge, LA MSA Ascension Parish East Baton Rouge Parish Livingston Parish West Baton Rouge Parish	$76,000	$85,600	$104,000	$120,000
New Orleans, LA MSA Jefferson Parish Orleans Parish St. Bernard Parish St. Charles Parish St. John the Baptist Parish St. Tammany Parish	$76,000	$85,600	$104,000	$120,000
Other Areas: Lafayette Parish	$76,000	$85,600	$104,000	$120,000

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD FIELD OFFICE: SHREVEPORT OFFICE				
Shreveport, LA MSA				
Bossier Parish	$75,500	$85,000	$103,300	$119,200
Caddo Parish				
HUD FIELD OFFICE: ALBUQUERQUE OFFICE				
Albuquerque, NM MSA				
Bernalillo County	$76,500	$86,000	$104,000	$121,000
HUD FIELD OFFICE: TULSA OFFICE				
Tulsa, OK MSA				
Creek County	$82,500	$92,900	$112,900	$130,300
Osage County				
Rogers County				
Tulsa County				
Wagoner County				
Region VII				
HUD FIELD OFFICE: KANSAS CITY OFFICE				
Kansas City, MO PMSA				
Cass County, MO	$81,600	$91,900	$111,700	$126,900
Clay County, MO				
Jackson County, MO				
Lafayette County, MO				
Platt County, MO				
Ray County, MO				
Kansas City, KS PMSA				
Johnson County, KS	$81,600	$91,900	$111,700	$126,900
Leavenworth County, KS				
Miami County, KS				
Wyandotte County, KS				
HUD FIELD OFFICE: ST. LOUIS OFFICE				
St. Louis, MO-IL PMSA				
St. Louis City	$85,500	$96,300	$117,000	$135,000
Franklin County				
Jefferson County				
St. Charles County				
St. Louis County				
HUD FIELD OFFICE: DES MOINES OFFICE				
Des Moines, IA MSA				
Dallas County	$69,300	$78,000	$94,650	$109,450
Polk County				
Warren County				
Omaha, NE-IA MSA (part)				
Pottawattamie County, IA	$78,800	$88,750	$107,800	$124,400
HUD FIELD OFFICE: OMAHA OFFICE				
Omaha, NE-IA MSA (part)				
Douglas County, NE	$78,800	$88,750	$107,800	$124,400
Sarpy County, NE				
Washington County, NE				
HUD FIELD OFFICE: TOPEKA OFFICE				
Sedgwick County, KS	$76,000	$85,500	$103,500	$120,500
Region VIII				
HUD FIELD OFFICE: DENVER OFFICE				
Denver, CO PMSA				
Adams County	$90,000	$101,300	$122,650	$142,650
Arapahoe County				
Denver County				
Douglas County				
Jefferson County				
Boulder-Longmont, CO PMSA				
Boulder County, CO	$90,000	$101,300	$122,650	$142,650
State of Colorado:				
Elbert County	$83,900	$94,500	$114,850	$132,500
Grand County	$80,750	$90,950	$110,500	$127,500
Routt County	$90,000	$101,300	$122,650	$142,650
Teller County	$80,750	$90,950	$110,500	$127,500
Other Areas	$71,800	$80,900	$98,300	$113,400
HUD FIELD OFFICE: HELENA OFFICE				
State of Montana	$75,500	$84,000	$102,500	$118,000
HUD FIELD OFFICE: SALT LAKE CITY OFFICE				
Salt Lake City-Ogden, UT MSA				
David County	$80,450	$90,600	$110,100	$127,050
Salt Lake County				
Weber County				
HUD FIELD OFFICE: CASPER OFFICE				
State of Wyoming	$75,000	$84,000	$102,500	$118,000
HUD FIELD OFFICE: FARGO OFFICE				
Fargo-Moorhead, ND-MN MSA				
Cass County, ND	$77,900	$87,750	$106,600	$123,000
HUD FIELD OFFICE: SIOUX FALLS OFFICE				
Minnehaha County	$75,000	$84,000	$102,500	$118,000
Lincoln County				
Pennington County				
Meade County				
Region IX				
HUD FIELD OFFICE: LOS ANGELES OFFICE				
Los Angeles Office Metro and Non-Metro Areas:				
Los Angeles County	$90,000	$101,300	$122,650	$142,650
San Luis Obispo County				
Santa Barbara County				
Ventura County				
HUD FIELD OFFICE: SAN FRANCISCO OFFICE				
San Francisco Office Metro and Non-Metro Areas				
Alamdea County	$90,000	$101,300	$122,650	$142,650
Contra Costa County				
Del Norte County				
Humboldt County				
Lake County				
Marin County				
Mendocino County				
Monterey County				
Napa County				
San Benito County				
San Francisco County				
San Mateo County				
Santa Clara County				
Santa Cruz County				
Solano County				
Sonoma County				
HUD FIELD OFFICE: FRESNO OFFICE				
Fresno Office Metro and Non-Metro Areas				
Fresno County	$90,000	$101,300	$122,650	$142,650
Kern County				
Kings County				
Madera County				
Mariposa County				
Merced County				
Stanislaus County				
Tulare County				
HUD FIELD OFFICE: SACRAMENTO OFFICE				
Sacramento Office Metro and Non-Metro Areas				
Alpine County	$90,000	$101,300	$122,650	$142,650
Amador County				
Butte County				
Calaveras County				
Colusa County				
El Dorado County				
Glenn County				
Lassen County				
Modoc County				
Nevada County				
Placer County				
Plumas County				
Sacramento County				
San Joaquin County				
Shasta County				
Sierra County				
Siskiyou County				
Sutter County				
Tehama County				

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
Trinity County				
Tuolumne County				
Yolo County				
Yuba County				
HUD FIELD OFFICE: SAN DIEGO OFFICE				
San Diego Office Metro and Non-Metro Areas				
Imperial County	$90,000	$101,300	$122,650	$142,650
San Diego County				
HUD FIELD OFFICE: SANTA ANA OFFICE				
Metro Areas:				
Orange County	$90,000	$101,300	$122,650	$142,650
Riverside County				
San Bernardino County				
Non-Metro Areas:				
Inyo County	$75,000	$84,000	$102,500	$118,000
Mono County				
HUD FIELD OFFICE: LAS VEGAS OFFICE				
Las Vegas, NV MSA				
Clark County	$90,000	$101,300	$122,650	$142,650
State of Nevada				
Non-Metro Areas:				
Lincoln County	$75,000	$84,000	$102,500	$118,000
Nye County (part)				
HUD FIELD OFFICE: RENO OFFICE				
Reno, NV MSA				
Washoe County	$89,500	$101,000	$122,000	$142,000
State of Nevada				
None-Metro Areas:				
Carson City	75,000	$84,000	$102,500	$118,000
Churchill County				
Douglas County				
Elko County				
Esmeralda County				
Eureka County				
Humbolt County				
Lander County				
Lyon County				
Mineral County				
Nye County (part)				
Pershing County				
Storey County				
White Pine County				
HUD FIELD OFFICE: PHOENIX OFFICE				
Phoenix, AZ MSA				
Maricopa County	$90,000	$101,300	$122,650	$142,650

UPDATING OF FHA SECTIONS 203(b), 234(c) AND 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD FIELD OFFICE: TUCSON OFFICE				
Tucson, AZ MSA				
Pima County	$90,000	$101,300	$122,650	$142,650
HUD FIELD OFFICE: HONOLULU OFFICE				
State of Hawaii				
Metro and Non-Metro Areas	$135,000	$151,950	$183,950	$213,950
Territory of Guam	$101,250	$114,000	$138,000	$160,500
Region X				
HUD FIELD OFFICE: SEATTLE OFFICE				
Seattle, WA PMSA				
King County	$87,750	$98,850	$120,100	$138,600
Snohomish County				
Tacoma, WA PMSA				
Pierce County	$75,300	$84,800	$103,050	$118,900
Yakima, WA MSA				
Yakima County	$72,000	$81,500	$99,000	$114,000
Bremerton, WA MSA				
Kitsap County	$80,200	$90,350	$109,750	$126,650
HUD FIELD OFFICE: PORTLAND OFFICE				
Portland, OR PMSA				
Clackamas County	$81,600	$91,900	$111,600	$128,800
Multnomah County				
Washington County				
Yamhill County				
Vancouver, WA PMSA				
Clark County, WA	$81,600	$91,900	$111,600	$128,800
HUD FIELD OFFICE: ANCHORAGE OFFICE				
State of Alaska				
All Areas	$135,000	$151,950	$183,950	$213,950
HUD FIELD OFFICE: SPOKANE OFFICE				
Richland-Kennewick-Pasco, WA MSA				
Benton County	$72,000	$81,500	$99,000	$114,000
Franklin County				
Spokane, WA MSA				
Spokane County	$72,000	$81,500	$99,000	$114,000
HUD FIELD OFFICE: BOISE OFFICE				
Boise City, ID MSA				
Ada County	$75,000	$84,000	$102,500	$118,000

Dated: July 18, 1985.

Janet Hale,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 85-17539 Filed 7-23-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8040]

Information Returns Required of Certain Foreign-owned Corporations, and Information Returns Required of United States Persons With Respect to Certain Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations relating to information returns required of United States persons with respect to certain foreign corporations, and information returns required of certain foreign-owned corporations with respect to transactions with related corporations, under sections 6038 and 6038A, respectively, of the Internal Revenue Code of 1954. These regulations set forth the requirements for who must report, the information required to be reported, the time and manner for filing the information returns, and penalties for failure to report information. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. These regulations provide the public with the guidance needed to comply with that Act.

DATES: Effective August 24, 1985. The amendments under section 6038 with respect to penalties are applicable for information required with respect to annual accounting periods of the foreign corporations ending after September 3, 1982. The remaining amendments under setion 6038 are applicable for taxable years beginning after August 23, 1985. The amendments under section 6038A are applicable for taxable years beginning after December 31, 1983.

FOR FURTHER INFORMATION CONTACT: Charles C. Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, (Attention: CC:LR:T) (202-566-3323, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On December 19, 1983, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 6038 and 6038A of the Internal Revenue Code of 1954 (48 FR 56076). These amendments were proposed to conform the regulations to changes made to section 6038 and the addition of section 6038A by sections 338 and 339 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 631). A public hearing was held on March 29, 1984. After consideration of all comments regarding the proposed amendments, the amendments as set forth below are adopted by this Treasury decision.

Discussion of Comments and Changes From Proposed Amendments

Sections 1.6038–2 and 1.6038A–1

Two commentors suggested that a reporting person who has "substantially complied" with the reporting rules should not be penalized for errors or omissions. In both § 1.6038–2 and § 1.6038A–1, an explicit statement to that effect is not needed because "substantial compliance," as well as other factors, may be considered in determining whether reasonable cause existed for failure to furnish some information if a penalty for such a failure is asserted. However, a provision relating to "substantial compliance" has been retained, slightly modified for clarification, in § 1.6038–2(k)(3), and the same language has been added to § 1.6038A–1(f)(3)(ii) for foreign-owned corporations. The Service anticipates that the broad range of estimates and descriptions allowed in § 1.6038A–1 for reporting of transactions will prevent most inadvertent errors from causing a technical violation if the reporting corporation has made a reasonable effort to comply.

The filing requirements for information returns under sections 6038 and 6038A have also been changed to require that duplicate returns be filed with the Philadelphia Service Center. This will facilitate use of the information in a centralized statistical analysis program (in addition to its use in audits), without the delays and additional costs to the Service of sorting, duplicating, and transferring the information received in the regional service centers for a second use in Philadelphia.

Section 1.6038–2

One comment criticized the proposal to allow other information to be required by forms. The commentor suggested that any requirement to provide additional information should be subject to notice and public comment procedures. The regulation has been modified to allow changes in the form or manner in which the prescribed information is to be reported, or to allow some items of information to be deleted, by the form, without allowing the form to require additional information.

Section 1.6038A–1

Changes have been made in paragraphs (a) and (b) to allow a group of corporations filing a consolidated income tax return to file Form 5472 on a consolidated basis, and to eliminate reporting with respect to transactions within the group. However, a reporting corporation (or group) is still required to file separately with respect to each related corporation with which it has transactions. Two commentors suggested that it might be easier to file one form (or one computer listing) for all related-corporation transactions, with details attached on a company-by-company basis if necessary. In the Service's view, adoption of that suggestion would not significantly reduce any burden of compliance, but it would reduce the usefulness of the information to the Service.

Two commentors suggested that the Service not require annual reporting of information, but rather collect it on a sample basis. This suggestion has not been adopted. Other commentors suggested that information reporting should not be required under section 6038A when a transaction must also be reported under section 6038. This suggestion has been adopted in paragraph (a)(3).

Paragraph (b)(1), defining "reporting corporation," contains an exception from reporting for corporations having no income subject to U.S. taxation. Several commentors felt that the exception should be clarified and expanded in various ways. That exception has been revised to include more situations in which reporting may not be particularly useful to the Internal Revenue Service. Banks are now excepted from reporting, as are other foreign corporations having no income except income subject to withholding or exempt from tax under the provisions of an income tax treaty.

A sentence has been added to the example in paragraph (b)(2), defining control to explain that control is attributed directly rather than proportionately, once the 50 percent ownership threshold is met.

Paragraph (b)(3) has been changed to clarify that the term "foreign person" includes a foreign government or government agency.

The definition of "related corporation" has been narrowed to eliminate reporting of transactions between corporations that join in filing a consolidated income tax return.

In paragraph (c)(1), several items of information concerning the related corporation have been deleted in response to comments that the information required was overly burdensome or not readily available to the reporting corporation. All of the items of information listed in the proposed regulations were carefully considered, and those items that are retained have been determined to be the information most necessary to the Internal Revenue Service. One commentor suggested that some of the required information may be unavailable to the reporting corporation. Inability to obtain information may be reasonable cause for failure to provide that information. If the reporting corporation shows reasonable cause for failure to provide any information, paragraph (f)(3) provides procedures for avoiding imposition of penalties.

Paragraph (c)(2) has been revised to allow the form to change the manner in which information is reported without allowing it to require new information.

In response to comments that the reporting of transactions in exact amounts would be extremely burdensome, unnecessary, and subject to potentially severe penalties for monor errors, paragraph (c)(2) has been revised to allow reporting by reasonable estimates. The term "reasonable estimate" is defined in paragraph (c)(2)(iv), providing permissible percentages of variation and a simple method for reporting small amounts, as well as allowing a reporting corporation to show by facts and circumstances that its estimates were reasonable, if not within the ranges provided.

Two comments suggested that more types of reportable service transactions were listed in paragraph (c)(2)(i)(E) than in § 1. 6038–2 (f)(11)(iv), producing a reporting burden that would discriminate against foreign-owned corporations in violation of income tax treaties. While the Service does not agree that the difference in reporting requirements would violate income tax treaty provisions, this item has nonetheless been changed to duplicate the services listed in § 1.6038–2 to avoid any appearance of discrimination.

One commentor requested that the regulations provide guidance with respect to the method for reporting amounts loaned or borrowed. In response to this, a new sentence has been added at the end of paragraph

(c)(2)(i) to provide a method for reporting those amounts, and to allow that method to be changed by forms.

A suggestion that banking transactions entered into on behalf of customers should be excluded from the information to be reported has not been adopted because banks have been excluded from reporting in general. A similar suggestion was made to exclude transactions by brokers and insurance companies on behalf of customers. This suggestion has not been adopted.

The requirements in paragraph (c)(2)(ii) for reporting transactions involving non-monetary consideration or no consideration have been revised to allow more flexibility in the manner in which transactions may be described. A description may be provided for a single transaction or a group of similar or related transactions. While a description should include all property and services transferred, the essential requirement is that it include sufficient information from which to determine the substance and size of the transaction. In reporting the value of these transactions, the reasonable estimate rules (discussed above) apply. These liberalized requirements are intended to permit one fairly brief description to be used to report a pattern of transactions for which no individual records are kept because the transactions are considered too insignificant to require compensation or because they are performed on a reciprocal basis. Also, a sentence has been added at the end of paragraph (c)(2)(ii) to clarify that description of transactions under that subdivision are not required merely because the transaction involves a transfer of some intangible property in connection with tangible property for which monetary consideration is paid or received. A transaction fitting that description may be reported under paragraph (c)(2)(i), which only requires the reporting of a dollar amount.

In paragraph (c)(2)(iii), the exception for transactions that are not required to be reported has also been expanded and simplified, and now includes nonrecognition transactions, such as like-kind exchanges under section 1031.

Two comments stated that reporting of amounts in U.S. dollars, with exchange rates used, would be irrelevant, unnecessary and unduly burdensome in light of constantly changing exchange rates. It is precisely because of changing exchange rates that the rates used are relevant and necessary. Since a rate of exchange must be used in order to translate one currency into another, the reporting corporation will always have this information.

One commentor suggested that these information returns should not be due until 6 months after the reporting corporation's income tax return is filed. The information returns are required to be filed with the income tax return because they will be used with the income tax return to determine certain areas for which closer examination may be appropriate during an audit. Separate filing would require the Internal Revenue Service to match these information returns with the reporting corporation's tax returns. Therefore, the suggestion has not been adopted.

A few commentors proposed that no reporting should be required for past years, or that reports for those years should be made in an abbreviated fashion. These final regulations require reporting for all taxable years beginning after December 31, 1983. Reporting is not required for taxable years beginning before January 1, 1984. The reasonable estimate rule for reporting amounts of transactions should help to reduce the burden of compiling information on past transactions. Information returns for taxable years ending before July 24, 1985 must be filed by November 21, 1985, or, if later, with the reporting corporation's tax return for the same taxable year.

Paragraph (f)(1) has been revised to clarify that the penalty for failure to furnish information only applies once with respect to each related corporation for each year that a report is required. Suggestions that a "substantial compliance" exception should be added to the penalty provisions have been adopted, as discussed previously. In addition, the "reasonable estimate" provisions of the reporting requirements operate, in effect, quite similarly to the substantial compliance provision to prevent imposition of a penalty if a reporting corporation has complied with those requirements. Another commentor suggested that the regulations should provide specific guidelines for determining reasonable cause for failing to provide information, for the purpose of avoiding the penalty provided. For example, the comment suggested that a reporting corporation would not know and would not be able to determine whether it was dealing with a related corporation, and therefore the regulations should provide rules specifically excepting that reporting corporation from the penalty provisions. The final regulations do not include any specific guidelines or exceptions for determining whether a failure to provide information was due to reasonable cause. This determination must be based on the facts and circumstances of each individual case. Specific guidelines may be helpful in some cases but not in others because a failure may be due to reasonable cause under some facts but not under other similar facts.

Certification of Nonapplicability of Regulatory Flexibility Act of 1980 and Executive Order 12291

The Secretary of the Treasury has certified that these regulations will not have a significant economic impact on a substantial number of small entities and are, therefore, not subject to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6). Accordingly, a Regulatory Flexibility Analysis is not required and has not been prepared. These regulations will generally only affect United States persons that have significant holdings in foreign corporations and certain foreign-owned corporations that have transactions with related corporations. The Commissioner of Internal Revenue has determined that these regulations are not major regulations subject to Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required and has not been prepared.

Paperwork Reduction Act

The collection of information contained in these regulations has been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB under control number 1545-0805.

Drafting Information

The principal author of these regulations is David J. Dean of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service.

However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects

26 CFR §§ 1.6001–1 through 1.6109–2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 602

OMB control numbers, Paperwork Reduction Act.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 and Part 602 are amended as follows:

PART 1—[AMENDED]

Income Tax Regulations

Paragraph 1. The authority cite for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805, 26 U.S.C. 6038 and 26 U.S.C. 6038A. * * *

Sections 1.6038–2 and 1.6038A–1 also issued under 26 U.S.C. 6038 and 6038A.

Par. 2. Section 1.6038–2 is revised to read as follows:

§ 1.6038–2 Information returns required of United States persons with respect to annual accounting periods of certain foreign corporations beginning after December 31, 1962.

(a) *Requirement of return.* Every U.S. person shall make a separate annual information return with respect to each annual accounting period (described in paragraph (e) of this section) beginning after December 31, 1962, of each foreign corporation which that person controls (as defined in paragraph (b) of this section) for an uninterrupted period of 30 days or more during such annual accounting period. Such information shall not be required to be furnished, however, with respect to a corporation defined in section 1504(d) of the Code which makes a consolidated return for the taxable year. The return shall be made, with respect to annual accounting periods ending with or within the United States person's taxable year, on—

(1) Form 2952 if such taxable year ends before December 31, 1982,

(2) Form 5471 if such taxable year ends on or after December 31, 1983, or

(3) Either Form 5471 or Form 2952 if such taxable year ends on or after December 31, 1982 and before December 31, 1983.

(b) *Control.* A person shall be deemed to be in control of a foreign corporation if at any time during that person's taxable year it owns stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock of the foreign corporation. A person in control of a corporation which, in turn, owns more than 50 percent of the combined voting power, or of the value, of all classes of stock of another corporation is also treated as being in control of such other corporation. The provisions of this paragraph may be illustrated by the following example:

Example. Corporation A owns 51 percent of the voting stock in Corporation B. Corporation B owns 51 percent of the voting stock in Corporation C. Corporation C in turn owns 51 percent of the voting stock in Corporation D. Corporation D is controlled by Corporation A.

(c) *Attribution rules.* For the purpose of determining control of domestic or foreign corporations the constructive ownership rules of section 318(a) shall apply except that:

(1) Stock owned by or for a partner or a beneficiary of an estate or trust shall not be considered owned by the partnership, estate, or trust when the effect is to consider a United States person as owning stock owned by a person who is not a United States person;

(2) A corporation will not be considered as owning stock owned by or for a 50 percent or more shareholder when the effect is to consider a United States person as owning stock owned by a person who is not a United States person; and

(3) If 10 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, section 318(a)(2)(C) shall apply.

The constructive ownership rules of section 318(a) apply only for purposes of determining control as defined in paragraph (b) of this section.

(d) *U.S. person.* For purposes of section 6038 and this section, the term "United States person" has the meaning assigned to it by section 7701(a)(30) of the Code, except that—

(1) With respect to a corporation organized under the laws of the Commonwealth of Puerto Rico, such term does not include an individual who is a bona fide resident of Puerto Rico, if a dividened received by such individual during the taxable year from such corporation would be excluded from gross income under section 933(1),

(2) With respect to a corporation organized under the laws of the Virgin Islands, such term does not include an individual who is a bona fide resident of the Virgin Islands and whose income tax obligation under subtitle A (relating to income taxes) of the Code for the taxable year is satisfied pursuant to section 28(a) of the Revised Organic Act of the Virgin Islands, approved July 22, 1954 (48 U.S.C. 1642), by paying tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands,

(3) With respect to a corporation organized under the laws of Guam or the Northern Mariana Islands, such term does not include an individual who is a bona fide resident of Guam or the Northern Mariana Islands, respectively, and who is relieved of liability for income tax to the United States under section 935(c)(3) of the Code or section 601 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94–241), respectively, for such individual's taxable year referred to in paragraph (e) of this section, and

(4) With respect to a corporation organized under the laws of any possession of the United States (other than Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands), such term does not include an individual who is a bona fide resident of such possession for the entire taxable year and whose income derived from sources within any possession of the United States is not, by reason of section 931(a), includible in gross income under subtitle A (relating to income taxes) of the Code for the taxable year.

An individual for whom an election under section 6013 (g) or (h) is in effect shall, subject to the exceptions contained in this paragraph (d), be considered a United States person for purposes of section 6038 and this section.

(e) *Period covered by return.* The information required under paragraphs (f) and (g) of this section with respect to a foreign corporation shall be furnished for the annual accounting period of the foreign corporation ending with or within the United States person's taxable year. For purposes of this section, the annual accounting period of a foreign corporation is the annual period on the basis of which that corporation regularly computes its income in keeping its books. The term "annual accounting period" may refer to a period of less than one year, where, for example, the foreign income, war profits, and excess profits taxes are determined on the basis of an accounting period of less than one year as described in section 902(c)(2). If more than one annual accounting period ends with or within the United States person's taxable year, separate annual information returns shall be submitted for each annual accounting period.

(f) *Contents of return.* The return on Form 2952 or Form 5471 shall contain so much of the following information, and in such form or manner, as the form shall prescribe with respect to each foreign corporation:

(1) The name, address, and employer identification number, if any, of the corporation;

(2) The principal place of business of the corporation;

(3) The date of incorporation and the country under whose laws incorporated;

(4) The name and address of the foreign corporation's statutory or

resident agent in the country of incorporation;

(5) The name, address, and identifying number of any branch office or agent of the foreign corporation located in the United States;

(6) The name and address of the person (or persons) having custody of the books of account and records of the foreign corporation, and the location of such books and records if different from such address;

(7) The nature of the corporation's business and the principal places where conducted;

(8) As regards the outstanding stock of the corporation—

(i) A description of each class of the corporation's stock, and

(ii) The number of shares of each class outstanding at the beginning and end of the annual accounting period;

(9) A list showing the name, address, and identifying number of, and the number of shares of each class of the corporation's stock held by, each United States person who is a shareholder owning at any time during the annual accounting period 5 percent or more in value of any class of the corporation's outstanding stock;

(10) For the annual accounting period, the amount of the corporation's:

(i) Current earnings and profits;

(ii) Foreign income, war profits, and excess profits taxes paid or accrued;

(iii) Distributions out of current earnings and profits for the period; and

(iv) Distributions other than those described in paragraph (f)(10)(iii) of this section and the source thereof; and

(11) A summary showing the total amount of each of the following types of transactions of the corporation, which took place during the annual accounting period, with the person required to file this return, any other corporation controlled by that person, or any United States person owning at the time of the transaction 10 percent or more in value of any class of stock outstanding of the foreign corporation, or of any corporation controlling that foreign corporation:

(i) Sales and purchases of stock in trade;

(ii) Purchases of tangible property other than stock in trade;

(iii) Sales and purchases of patents, inventions, models, or designs (whether or not patented), copyrights, trademarks, secret formulas or processes, or any other similar property rights;

(iv) Compensation paid and compensation received for the rendition of technical, managerial, engineering, construction, scientific, or like services;

(v) Commission paid and commissions received;

(vi) Rents and royalties paid and rents and royalties received;

(vii) Amount loaned and amounts borrowed (except open accounts resulting from sales and purchases reported under other items listed in this paragraph (f)(11) that arise and are collected in full in the ordinary course of business);

(viii) Dividends paid and dividends received;

(ix) Interest paid and interest received; and

(x) Premiums received for insurance or reinsurance.

For purposes of paragraph (f)(11) of this section, if the United States person is a bank, as defined in section 581, or is controlled within the meaning of section 368(c) by a bank, the term "transactions" shall not, as to a corportion with respect to which a return is filed, include banking transactions entered into on behalf of customers; in any event, however, deposits in accounts between a foreign corporation, controlled (within the meaning of paragraph (b) of this section) by a United States person, and a person described in paragraph (f)(11) of this section and withdrawals from such accounts shall be summarized by reporting end-of-month balances.

(g) *Financial statements.* The following information with respect to the foreign corporation shall be attached to and filed as part of the return required by this section:

(1) A statement of the corporation's profit and loss for the annual accounting period;

(2) A balance sheet as of the end of the annual accounting period of the corporation showing—

(i) The corporation's asset;

(ii) The corporation's liabilities; and

(iii) The corporation's net worth; and

(3) An analysis of changes in the corporation's surplus accounts during the annual accounting period including both opening and closing balances.

The information listed in this paragraph (g) shall be prepared in conformity with generally accepted accounting principles, and in such form and detail as is customary for the corporation's accounting records.

(h) *Method of reporting.* All amounts furnished under paragraphs (f) and (g) of this section shall be expressed in United States currency with a statement of the exchange rates used. All statements submitted on or with the return required under this section shall be rendered in the English language.

(i) *Time and place for filing return.* Returns on Form 2952 or Form 5471 required under paragraph (a) of this section shall be filed with the United States person's income tax return on or before the date required by law for the filing of that person's income tax return. District directors and directors of service centers are authorized to grant reasonable extensions of time for filing returns on Form 2952 or Form 5471 in accordance with the applicable provisions of § 1.6081-1 of this chapter. An application for an extension of time for filing a return of income shall also be considered as an application for an extension of time for filing returns on Form 2952 or Form 5471.

(j) *Two or more persons required to submit the same information*—(1) *Return jointly made.* If two or more persons are required to furnish information with respect to the same foreign corporation for the same period, such persons may, in lieu of making separate returns, jointly make one return. Such joint return shall be filed with the income tax return of any one of the persons making such joint return.

(2) *Persons excepted from furnishing information*—(i) *Conditions.* Any person required to furnish information under this section with respect to a foreign corporation need not furnish that information provided all of the following conditions are met:

(A) Such person does not directly own an interest in the foreign corporation;

(B) Such person is required to furnish the information solely by reason of attribution of stock ownership from a United States person under paragraph (c) of this section; and

(C) The person from whom the stock ownership is attributed furnishes all of the information required under this section of the person to whom the stock ownership is attributed.

(ii) *Illustrations.* The rule of this paragraph (j)(2) is illustrated by the following examples:

Example (1). A, a U.S. person owns 100 percent of the stock of M, a domestic corporation. A also owns 100 percent of the stock of N, a foreign corporation organized under the laws of foreign country Y. A, in filing the information return required by this section with respect to N Corporation, in fact furnishes all of the information required of M Corporation with respect to N Corporation. M Corporation need not file the information.

Example (2). X, a domestic corporation owns 100 percent of the stock of Y, a domestic corporation. Y Corporation owns 100 percent of the stock of Z, a foreign corporation. X Corporation is not excused by this paragraph (j)(2) from filing information with respect to Z Corporation because X Corporation is deemed to control Z Corporation under the provisions of paragraph (b) of this section without recourse to the attribution rules in paragraph (c) of this section.

(3) *Statement required.* Any United States person required to furnish information under this section with his return who does not do so by reason of the provisions of paragraph (j)(1) or (j)(2) of this section shall file a statement with his income tax return indicating that such liability has been (or, in the case of a joint return made under paragraph (j)(1) of this section, will be) satisfied and identifying the return with which the information was or will be filed and the place of filing.

(k) *Failure to furnish information*—(1) *Dollar amount penalty*—(i) *In general.* If any person required to file Form 2952 or Form 5471 under section 6038 and this section fails to furnish any information described in paragraphs (f) and (g) of this section within the time prescribed by paragraph (i) of this section, such person shall pay a penalty of $1,000 for each annual accounting period of each foreign corporation with respect to which such failure occurs.

(ii) *Increase in penalty for continued failure after notification.* If a failure described in paragraph (k)(1)(i) of this section continues for more than 90 days after the date on which the district director mails notice of such failure to the person required to file Form 2952 or Form 5471, such person shall pay a penalty of $1,000, in addition to the penalty imposed by section 6038(b)(1) and paragraph (k)(1)(i) of this section, for each 30-day period (or fraction thereof) during which such failure continues after such 90-day period has expired. The additional penalty imposed by section 6038(b)(2) and this paragraph (k)(1)(ii) shall be limited to a maximum of $24,000 for each failure.

(iii) *Effective date.* The penalty imposed by section 6038(b) and this paragraph (k)(1) shall apply with respect to information for annual accounting periods ending after September 3, 1982.

(2) *Penalty of reducing foreign tax credit*—(i) *Effect on foreign tax credit.* Failure of a United States person to furnish, in accordance with the provisions of this section, any return or any information in any return, required to be filed for a taxable year under authority of section 6038 on or before the date prescribed in paragraph (i) of this section may affect the application of section 901 as provided in paragraph (k)(2)(ii) of this section and may affect the application of sections 902 and 960 as provided in paragraph (k)(2)(iii) of this section. Such failure may affect the application of sections 902 and 960 to any such United States person which is a corporation or to any person who acquires from any other person any portion (but only to the extent of such portion) of the interest of such other person in any such foreign corporation.

(ii) *Application of section 901.* In the application of section 901 to a United States person referred to in paragraph (k)(2)(i) of this section, the amount of taxes paid or deemed paid by such person for any taxable year, with or within which the annual accounting peroid of a foreign corporation for which such person failed to furnish information required under this section ended, may be reduced by 10 percent. However, no tax reduced under paragraph (k)(2)(iii) of this section or deemed paid under section 904(c) shall be reduced under the provisions of this paragraph (k)(2)(ii).

(iii) *Application of sections 902 and 960.* In the application of sections 902 and 960 to a United States person referred to in paragraph (k)(2)(i) of this section for any taxable year, the amount of taxes paid or deemed paid by each foreign corporation for the accounting period or periods for which such person was required for the taxable year of the failure to furnish information under this section may be reduced by 10 percent. The 10-percent reduction is not limited to the taxes paid or deemed paid by the foreign corporation with respect to which there is a failure to file information but may apply to the taxes paid or deemed paid by all foreign corporations controlled by that person. In applying subsections (a) and (b) of section 902, and in applying subsection (a) of section 960, the reduction provided by this paragraph (k)(2) shall not apply for purposes of determining the amount of accumulated profits in excess of income, war profits, and excess profits taxes.

(iv) *Reduction for continued failure after notice.* (A) If the failure referred to in paragraph (k)(2)(i) of this section continues for more than 90 days after the date on which the district director mails notice of such failure to such United States person, then the amount of the reduction referred to in paragraph (k)(2) (ii) and (iii) of this section may be 10 percent plus an additional 5 percent for each 3-month period, or fraction thereof, during which such failure continues after the expiration of such 90-day period.

(B) No taxes shall be reduced under this paragraph (k)(2) more than once for the same failure. Taxes paid by a foreign corporation when once reduced for a failure shall not be reduced again for the same failure in their status as taxes deemed paid by a corporate shareholder. Where a failure continues, each additional periodic 5-percent reduction, referred to in paragraph (k)(2)(iv)(A) of this section, shall be considered as part of the one reduction.

(v) *Limitation on reduction of foreign tax credit.* The amount of the reduction under this paragraph (k)(2) for each failure to furnish information with respect to a foreign corporation as required under this section shall not exceed the greater of:

(A) $10,000, or

(B) The income of the foreign corporation for its annual accounting period with respect to which the failure occurs. For purposes of this section if a person is required to furnish information with respect to more than one foreign corporation, controlled (within the meaning of paragraph (b) of this section) by that person, each failure to submit information for each such corporation constitutes a separate failure.

(vi) *Offset for dollar amount penalty imposed.* The total amount of the reduction or reductions which, but for this paragraph (k)(2)(vi), may be made under this paragraph (k)(2) with respect to any separate failure, shall not exceed the maximum amount of such reductions which may be imposed, reduced (but not below zero) by the amount of the dollar amount penalty imposed by paragraph (k)(1) of this section with respect to such separate failure.

(3) *Reasonable cause*—(i) For purposes of section 6038 (b) and (c) and this section, the time prescribed for furnishing information under paragraph (i) of this section, and the beginning of the 90-day period after mailing of notice by the district director under paragraph (k)(1)(ii) and (k)(2)(iv)(A) of this section, shall be treated as being not earlier than the last day on which reasonable cause existed for failure to furnish the information.

(ii) To show that reasonable cause existed for failure to furnish information as required by section 6038 and this section, the person required to report such information must make an affirmative showing of all facts alleged as reasonable cause for such failure in a written statement containing a declaration that it is made under the penalties of prejury. The statement must be filed with the district director for the district or the director of the service center where the return is required to be filed. The district director or the director of the service center shall determine whether the failure to furnish information was due to reasonable cause, and if so, the period of time for which such reasonable cause existed. In the case of a return that has been filed as required by this section except for an omission of, or error with respect to, some of the information required, if the

person who filed the return establishes to the satisfaction of the district director or the director of the service center that the person has substantially complied with this section, then the omission or error shall not constitute a failure under this section.

(4) *Other penalties.* The information required by section 6038 and this section must be furnished even though there are no foreign taxes which would be reduced under the provisions of this section, and even though the information required may not affect the amount of any tax due under the Internal Revenue Code. For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207 of the Code.

(5) *Illustrations.* The provisions of this paragraph may be illustrated by the following examples.

Example (1). M, a domestic corporation owns 100 percent of the stock of N, a foreign corporation. Both M and N use the calendar year as a taxable year and annual accounting period, and all of the following events occur in or with respect to the 1980 taxable year. The dividend from N is the only dividend from a foreign corporation received by M during the taxable year, and the foreign taxes listed are the only foreign taxes paid or deemed paid by M and N for the taxable year. On March 15, 1981, M filed its income tax return and paid its income tax, but M did not file Form 2952 with respect to N's 1980 annual accounting period. On June 1, 1961, the district director mailed notice to M of M's failure to file Form 2952 with respect to N. On November 30, 1981, M filed a complete Form 2952 with respect to N's 1980 annual accounting period.

(a) Gains, profits, and income of N	$100,000
(b) Foreign tax paid by N with respect to such gains, profits, and income	40,000
(c) Reduction of foreign tax paid by N (for purposes of M's section 902 deemed paid credit) resulting from M's failure to file information with respect to N as required under section 6038(a) and this section: failure to file within the time prescribed in paragraph (i) of this section, 10-percent reduction; continued failure for one additional 3-month period after 90-day period after notice mailed, 5-percent reduction; total reduction, 15 percent ($40,000 times 15 percent)	6,000
(d) Foreign tax paid by N after section 6038(c)(1)(B) reduction	34,000
(e) Dividend paid by N to M	45,000
(f) Accumulated profits of N as defined in section 902(c)(1) (determined without regard to the section 6038(c)(1)(B) reduction)	100,000
(g) Accumulated profits of N as described in section 902(a) (determined without regard to the section 6038(c)(1)(B) reduction)	60,000
(h) For purposes of the section 902 credit, M is deemed to have paid the same proportion of foreign taxes paid (reduced as provided under section 6038(c)) with respect to the accumulated profits described in section 902(a) (determined without regard to the reduction provided under section 6038(c)) as the amount of the dividend (determined without regard to section 78) bears to such amount of accumulated profits	25,500

$$[45,000 \div 60,000] \times 34,000 = 25,500$$

M must include $25,500 in gross income as a dividend under the provisions of section 78 of the Code. This example illustrates that the reductions in foreign taxes paid by the foreign corporation provided under section 8038(c) are taken into account in determining the amount included in gross income of the domestic corporation under section 78 of the Code as foreign taxes deemed paid, but such reductions are not taken into account in computing accumulated profits for purposes of determining the portion of foreign taxes deemed paid with respect to a particular dividend. The dollar amount penalty imposed by section 8038 (b) and paragraph (k)(1) of this section does not apply with respect to information for annual accounting periods ending before September 4, 1982, and therefore does not apply to M with respect to M's failure to file Form 2952 in this example.

Example (2). The facts are the same as in example (1) except that all of the events occur in or with respect to the 1982 taxable year. On March 15, 1983, M filed its income tax return and paid its income tax, but M did not file Form 2952 or Form 5471 with respect to N's 1982 annual accounting period. On June 1, 1983, the district director mailed notice to M of M's failure to file Form 2952 or Form 5471 with respect to N. On November 30, 1983, M filed a complete Form 5471 with respect to N's 1982 annual accounting period. Under paragraph (k)(1)(i) of this section, M is subject to a penalty of $1,000. Under paragraph (k)(1)(ii) of this section, that penalty is increased by $4,000 because the failure continued for 92 days (three full 30-day periods and a fraction of a fourth 30-day period) after the end of the 90-day period following mailing of the notice by the district director, bringing M's dollar amount penalty under paragraph (k)(1) of this section to $5,000. For purpose of determining the foreign tax credit available to M, there may be imposed a reduction of foreign tax paid by N of $6,000, which would be the total of reductions under paragraph (k)(2) of this section with respect to M's failure to file under section 6038 for N's 1982 annual accounting period, before application of paragraph (k)(2)(vi) of this section. Under said paragraph (k)(2)(vi), the amount of the foreign tax reduction imposed is reduced by the amount of the dollar amount penalty, leaving a foreign tax reduction penalty of $1,000 which may be imposed in addition to the $5,000 dollar amount penalty. If imposed, the $1,000 tax reduction would then be applied in the calculation of taxes deemed paid by M under section 902 as in example (1), item (c), (d), and (h).

Par. 3 There is added after § 1.6038–2 the following new section.

§ 1.6038A–1 Information returns required of certain foreign-owned corporations.

(a) *Requirement of return*—(1) *In general.* Every corporation which at any time during its taxable year is a reporting corporation (described in paragraph (b)(1) of this section) shall make a separate annual information return on Form 5472 with respect to each related corporation (described in paragraph (b)(4) of this section) with which such reporting corporation has had any transaction of the types listed in paragraph (c)(2) of this section during such taxable year.

(2) *Consolidated returns.* If a reporting corporation is a member of an affiliated group of corporations filing a consolidated income tax return, it may join in filing information returns on Form 5472 on a consolidated basis. A consolidated Form 5472 shall be filed by the common parent corporation and shall be accompanied by a copy of the group's Form 851 (Affiliations Schedule), indicating which members listed thereon are reporting on the Form 5472. A member is not required to join in filing a consolidated Form 5472 merely because other members of the group choose to file one or more Forms 5472 on a consolidated basis.

(3) *Exception.* Notwithstanding paragraph (a)(1) of this section, a reporting corporation is not required to make a return of information on Form 5472 with respect to a related corporation for a taxable year for which a U.S. person that controls the reporting corporation makes a return of information on Form 5471 that is required under section 6038 and § 1.6038–2, if that return contains information required under § 1.6038–2 (f)(11) with respect to the transactions between the reporting corporation and the related corporation for that taxable year.

(b) *Definitions*—(1) *Reporting corporation*—(i) *In general.* For purposes of section 6038A and this section, a corporation is a reporting corporation if—

(A) It is a domestic corporation or is a foreign corporation engaged in a trade

or business within the United States, and

(B) It is a controlled (as defined in paragraph (b)(2) of this section) by a foreign person.

(ii) *Exceptions.* Notwithstanding paragraph (b)(1)(i) of this section, a corporation is not a reporting corporation if—

(A) It has had no transactions of the types listed in paragraph (c)(2) during the taxable year with any related corporation,

(B) It has no gross income (determined without reference to losses) for the taxable year subject to United States taxation, other than a withholding tax under section 881 of the Code, or

(C) Its sole trade or business in the United States is a banking, financing, or similar business, as defined in § 1.864-4(c)(5)(i).

(iii) *Consolidated returns.* For purposes of paragraph (c)(1)(iv) of this section only, in the case of a group of reporting corporations filing a consolidated information return under this section the term "reporting corporation" means the common parent corporation (as shown on Form 851).

(2) *Control* (i) *Generally.* A corporation shall be deemed to be controlled by a foreign person if at any time during that corporation's taxable year such foreign person owns stock possessing at least 50 percent of the total combined voting power of all classes of outstanding stock of the corporation entitled to vote, or stock possessing at least 50 percent of the total value of outstanding shares of all classes of stock of the corporation. A corporation that is controlled (by this same test) by another corporation, which in turn, is controlled by a foreign person, is also treated as being controlled by such foreign person. The provisions of this paragraph (b)(2)(i) are illustrated by the following example:

Example F, a foreign person, owns 50 percent of the voting stock of X, a domestic corporation. X owns 50 percent of the total value of shares of all classes of stock of Y, also a domestic corporation. Y is controlled by F for purposes of section 6038A and this section. Thus, control is attributed directly under section 6038A (c)(1) and this section, rather than proportionately (as is stock ownership under section 318(a)(2) and paragraph (b)(2)(ii) of this section).

(ii) *Attribution rules.* For the purpose of determining ownership of stock of domestic or foreign corporations under section 6038A and this section, the constructive ownership rules of section 318(a) shall apply, except that section 318(a)(2)(C) shall be applied by substituting the phrase "10 percent" for the phrase "50 percent".

(3) *Foreign person.* For purposes of section 6038A and this section, a foreign person is—

(i) Any individual who is not a citizen or resident of the United States, but not including any individual for whom an election under section 6013 (g) or (h) is in effect;

(ii) Any individual who is a citizen of any possession of the United States but is not otherwise a citizen of the United States and is not a resident of the United States;

(iii) Any partnership, association, company, or corporation which is not created or organized in the United States or under the law of the United States or any State thereof;

(iv) Any foreign trust or foreign estate, as defined in section 7701(a)(31); or

(v) Any foreign government (or agency or instrumentality thereof).

(4) *Related corporation.* For purposes of section 6038A and this section, a related corporation is any corporation which is a member of the same controlled group (as defined in paragraph (b)(5) of this section) as the reporting corporation. The term "member" shall include any component member, excluded member, or additional member (as defined in section 1563(b)) of the controlled group. However, the term "related corporation" does not include any corporation filing a consolidated income tax return with the reporting corporation.

(5) *Controlled group.* For purposes of section 6038A and this section, the term "controlled group" has the meaning given to such term by § 1563(a), except that—

(i) Section 1563(a)(1) shall be applied by substituting the term "at least 50 percent" for the them "at least 80 percent" each time it appears;

(ii) Section 1563(a)(2)(B) shall be applied by substituting the term "at least 50 percent" for the term "more than 50 percent" each time it appears; and

(iii) Section 1563(a)(4), (b)(2)(C), and (e)(3)(C) shall not apply.

(c) *Contents of return*—(1) *The related corporation.* The return on Form 5472 shall contain such information as the form shall prescribe, with respect to each related corporation (whether foreign or domestic) with which the reporting corporation has had a transaction of the types listed in paragraph (c)(2) of this section during its taxable year, relating to:

(i) The name and address of the corporation;

(ii) The nature of the corporation's business or businesses and the principal place or places where conducted;

(iii) Each country in which the corporation treats itself as resident for purposes of the tax laws of the country; and

(iv) The relationship of the reporting corporation to the related corporation (such as reporting corporation controls related corporation, reporting corporation is controlled by related corporation, or reporting and related corporations are under common control).

(2) *Transactions with related foreign corporations*—(i) *Transactions for which monetary consideration was paid or received.* If the related corporation is a foreign corporation, the return on Form 5472 shall contain, with respect to transactions (other than transactions excepted by paragraph (c)(2)(iii) of this section) of the reporting corporation with the related corporation, in such form or manner as the form shall prescribe, a summary showing a reasonable estimate of the total dollar amount of each of the following types of transactions for which monetary consideration (U.S. currency and/or foreign currency) was the sole consideration paid or received, during the taxable year of the reporting corporation:

(A) Sales and purchases of stock in trade;

(B) Sales and purchases of tangible property other than stock in trade;

(C) Rents and royalties paid and received (other than amounts reported under paragraph (c)(2)(i)(D) of this section);

(D) Sales, purchases, and amounts paid and received as consideration for the use of intangible property such as copyrights, designs, fomulas, inventions, models, patents, processes, trademarks, and other similar property rights;

(E) Consideration paid and received for the rendition of technical, managerial, engineering, construction, scientific, or like services;

(F) Commissions paid and received;

(G) Amounts loaned and borrowed (except open accounts resulting from sales and purchases reported under other items listed in this paragraph (c)(2)(i) that arise and are collected in full in the ordinary course of business (H) Interest paid and received;);

(I) Premiums paid and received for insurance and reinsurance.

Amounts required to be reported under paragraph (c)(2)(i)(G) of this section shall be reported as monthly averages or outstanding balances at the beginning and end of the taxable year, as the form shall prescribe.

(ii) *Transactions involving nonmonetary consideration or no consideration.* If the related corporation is a foreign corporation, the return on

Form 5472 shall contain a description of any transaction, or group of transactions, listed in paragraph (c)(2)(i) of this section (other than transactions excepted by paragraph (c)(2)(iii) of this section), of the reporting corporation with the related corporation, for which any consideration paid or received was other than monetary consideration described in paragraph (c)(2)(i) of this section, or for which no consideration was paid or received. A description required under this paragraph (c)(2)(ii) shall include sufficient information from which to determine the substance and approximate size of the transaction or group of transactions, and should include—

(A) A description of all property (including monetary consideration), rights, or obligations transferred from the reporting corporation to the related corporation and from the related corporation to the reporting corporation,

(B) A description of all services performed by the reporting corporation for the related corporation and by the related corporation for the reporting corporation, and

(C) A reasonable estimate of the fair market value or a statement of the nature and importance of such property (other than money), rights, obligations, or services.

A transaction for which the entire consideration paid or received by one party was monetary consideration is not required to be described under this paragraph (c)(2)(ii) even though the transaction involved the transfer of both tangible and intangible property, as long as the transfer of the intangible property was related and incidental to the transfer of the tangible property (e.g., a right to warranty services).

(iii) *Exception.* This paragraph (c)(2) shall not apply to any transaction if neither party to the transaction is a United States person (as defined in section 7701(a)(30)) and the transaction—

(A) Does not give rise to any recognized income or gain which is from sources within the United States or which is effectively connected with the conduct of a trade or business within the United States, and

(B) Does not give rise to any expense, loss, or other deduction properly allocable or apportionable to such income.

(iv) *Reasonable estimate defined*—(A) *Estimate within 25 percent of actual amount.* Any amount reported under this section is considered a reasonable estimate if such amount is at least 75 percent and not more than 125 percent of the actual amount to which the amount reported relates.

(B) *Other estimates.* If any amount reported under this section fails to meet the reasonable estimate of paragraph (c)(2)(iv)(A) of this section, the reporting corporation may, nevertheless, show that such amount is a reasonable estimate by making an affirmative showing of relevant facts and circumstances in a written statement containing a declaration that it is made under the penalties of perjury. The statement must be filed with the district director or the director of the service center where the reporting corporation's income tax return and the return on Form 5472 were filed. The district director or the director of the service center shall determine whether the amount reported was a reasonable estimate.

(v) *Small amounts.* If any actual amount required to be reported under this section does not exceed $66,667, the amount may be reported as "$50,000 or less."

(vi) *Accrued payments and receipts.* For purposes of this section, in the case of an accrual basis taxpayer, the terms "paid" and "received" shall include accured payments and receipts, respectively.

(d) *Method of reporting.* All statements required on or with the return on Form 5472 under this section shall be rendered in the English language. All amounts of consideration or value required to be reported under this section shall be expressed in terms of United States currency, with a statement of any exchange rates used.

(e) *Time and place for filing returns*—(1) *In general.* Returns on Form 5472 required under this section shall generally be filed with the reporting corporation's income tax return for the same taxable year, and the due date (including extensions) for filing that income tax return is the due date for filing Form 5472. However, if a reporting corporation's income tax return is not timely filed (including extensions), the return on Form 5472 shall be filed with the Internal Revenue Service Center with which the reporting corporation's income tax return is required to be filed, and shall be filed on or before the date required by law (including extensions of time) for filing of such income tax return.

(2) *Taxable years ending before July 24, 1985.* Returns on Form 5472 required under this section for any taxable year ending before July 24, 1985 shall be filed either with the reporting corporation's income tax return or with the Internal Revenue Service Center or the district director with which the reporting corporation's income tax return has been filed. Returns on Form 5472 for such taxable years shall be filed on or before November 21, 1985, or, if later, with the reporting corporation's income tax return for the same taxable year on or before the date required by law (including extensions of time) for the filing of such income tax return.

(3) *Duplicate filing required.* The reporting corporation shall file a duplicate copy of each Form 5472 (at the same time as the original copy is filed) with the Internal Revenue Service Center, Philadelphia, PA 19255.

(f) *Penalty for failure to furnish information*—(1) *In general.* If a corporation required to file Form 5472 under section 6038A and this section fails to furnish any information required under paragraph (c) of this section with respect to any related corporation, within the time prescribed by paragraph (e) of this section, such corporation shall pay a penalty of $1,000 for each taxable year with respect to which such information is not timely reported. This penalty shall only be imposed on a reporting corporation once for each related corporation for each taxable year for which a failure to furnish information occurs. For purposes of this paragraph (f)(1), each member of a group of corporations filing a consolidated information return is a separate reporting corporation.

(2) *Increase in penalty for continued failure after notification.* If a failure described in paragraph (f)(1) of this section continues for more than 90 days after the date on which the district director mails notice of such failure to the reporting corporation, that corporation shall pay a penalty of $1,000, in addition to the penalty imposed by section 6038A(d)(1) and paragraph (f)(1) of this section, for each 30-day period (or fraction thereof) during which such failure continues after such 90-day period has expired. The additional penalty imposed by section 6038A(d)(2) and this paragraph (f)(2) shall be limited to a maximum of $24,000 for such continuing failure.

(3) *Reasonable cause*—(i) For purposes of section 6038A(d) and this section, the time prescribed for furnishing information under paragraph (e) of this section, and the beginning of

the 90-day period after mailing of notice by the district director under paragraph (f)(2) of this section, shall be treated as being not earlier than the last day on which reasonable cause existed for failure to furnish the information.

(ii) To show that reasonable cause existed for failure to furnish information as required by section 6038A and this section, the reporting corporation must make an affirmative showing of all facts alleged as reasonable cause for such failure in a written statement containing a declaration that it is made under the penalties of perjury. The statement must be filed with the district director for the district or the director of the service center where the return is required to be filed. The district director or the director of the service center shall determine whether the failure to furnish information was due to reasonable cause, and if so, the period of time for which such reasonable cause existed. In the case of a return that has been filed as required by this section except for an omission of, or error with respect to, some of the information required, if the person who filed the return establishes to the satisfaction of the district director or the director of the service center that the person has substantially complied with this section, then the omission or error shall not constitute a failure under this section.

(4) *Other penalties.* The information required by section 6038A and this section must be furnished even though it may not affect the amount of any tax due under the Internal Revenue Code. For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207 of the Code.

(g) *Effective date.* This regulation is effective for taxable years beginning after December 31, 1983.

PART 602—[AMENDED]

Par. 4. The authority for Part 602 is as follows:

Authority: 26 U.S.C. 7805.

Par. 5. Section 602.101(c) is amended by inserting in the appropriate place in the table § 1.6038–2 . . . 1545–0805" and "1.6038A–1 . . . 1545–0805".

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: July 2, 1985.

Ronald A. Pearlman,
Assistant Secretary of the Treasury.

[FR Doc. 85–17458 Filed 7–23–85; 8:45 am]

BILLING CODE 4830–01–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201 and 202

[Docket RM 84–3]

Office Organization and Procedures in Providing Information

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is amending 37 CFR Parts 201 and 202, concerning Office organization and procedures in providing information. In view of the 1976 revision of the Copyright Act, the citation of the statutory authority for Parts 201 and 202 of the Copyright Office Regulations is being amended. Section 201.1 has been amended to give the addresses to which various kinds of requests to the Copyright Office should be directed. Section 201.2 explains the general information that can be obtained from the Copyright Office and prescribes the conditions under which records, correspondence, and deposit material may be inspected and copied.

EFFECTIVE DATE: July 24, 1985.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287–8380.

SUPPLEMENTARY INFORMATION:

1. Statutory authority. The statutory authority under which Parts 201 and 202 have been promulgated has been amended to cite the relevant section in the Copyright Act of 1976 and to give the correct citation in the statutes at large.

2. Mailing addresses. Section 201.1 presently directs that all mail and other communications be sent to the Register of Copyrights at one address. This remains the address to be used when submitting applications for registration of claims to copyright, documents for recordation, and the vast majority of communications with the Copyright Office. However, for more expeditious handling of certain kinds of requests, the Copyright Office asks that those communications be sent directly to the particular Division or Section responsible for responding to the request. The Copyright Office has amended § 201.1 to include the additional addresses.

3. Information given by the Copyright Office. Section 201.2(a)(1) presently states that the Office does not give "legal opinions or advice." This has been interpreted and applied by the Office to mean that it will not act as an attorney for members of the general public. The Office does not give *specific* advice whether certain conduct actually constitutes copyright infringement. With respect to administration of the Copyright Act in general, however, the Copyright Office must and does, interpret the Act. The courts, of course, are the final arbiters of what the law means. The wording of the present regulation is misleading and could be misinterpreted to mean that the Office has no authority to give opinions or define legal terms in the Act. This would be contrary to the opinions in a number of cases in which courts have accorded weight to Office interpretations. In order to clarify its position, the Office has amended § 201.2(a) by adding a new paragraph (3) as follows:

(3) In the administration of the Copyright Act in general, the Copyright Office interprets the Act. The Copyright Office, however, does not give specific legal advice on the rights of persons, whether in connection with particular uses of copyrighted works, cases of alleged foreign or domestic infringement, contracts between authors and publishers, or other matters of a similar nature.

4. Inspection and copying of records. Section 201.2(b) is amended to reflect the Copyright Office's policy regarding public use of in-process files.

"In-process files" are those which the Copyright Office makes for its own immediate internal use in connection with pending applications for registration or the recordation of documents and which are preliminary to the completion of the public record. These files include the Receipt-in-Process Records, Correspondence Management System Records, accounting files, open unfinished business files (U.B.), and other files of a similar nature. These files are maintained and are constantly used to facilitate the internal administrative operations of the Office in processing applications for registration and recording documents. They are not a part of the records that are required by section 705 of the Copyright Act to be open to public inspection.

As a general policy the regulations deny *direct* public access to in-process files and any of the areas where they are kept. A procedure is provided, however, whereby *information* contained in the in-process files may be obtained by anyone, following payment of applicable fees, upon request to the Information and Reference Division.

The regulations provide as an exception to the general policy of denying direct public access to in-process files that in the case of pending applications for registration and their

accompanying deposits, access will be afforded without charge upon request of the copyright claimant or his/her authorized representative to those applications and deposits that were submitted for registration within the twelve month period immediately preceding the request. Likewise, access will be afforded to pending documents for recordation upon the request of at least one of the persons who executed the document or by an authorized representative of that person. These requests must be presented in the Public Information Office.

Requests for certain information contained in pending applications and documents may be made by anyone and the information will be supplied, following payment of applicable fees. The request should be made to the Certifications and Documents Section.

5. Correspondence. A significant amendment is proposed in § 201.2(c)(1). Consistent with Copyright Office practices under the Freedom of Information Act since 1978, the amended regulation makes correspondence directly relating to rejected applications for registration and documents for which recordation was refused records that are open to public inspection.

6. Requests for copies. The Copyright Office has amended § 201.2(d)(1) to specify more precisely the information to be given when requests for copies of records are made. The regulations would retain the same conditions that must be presently satisfied when copies of copyright deposits are requested, but the proposed amendment of § 201.2(d)(2)(i) makes clear that the written authorization may also be made by the owner of any of the exclusive rights in the copyright as long as it can be documented in writing that the transfer of ownership occurred. The remaining subsections in § 201.2(d)(2) have minor non-substantive changes in wording. Section 201.2(d)(3) is new. It specifies that in responding to a request for a reproduction of a phonorecord the Office will provide "proximate reproduction," and reserves to the Office the right to substitute a monaural reproduction for a stereo, quadraphonic, or any other type of fixation of the work accepted for deposit.

* * * * *

These amendments have been issued as final regulations, effective immediately, without public comment, since they concern Office organization and procedures and are not substantive in nature. Moreover, the changes are either technical, or clarify or confirm previously announced policies regarding access to Office in-process files.

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5, Chapter 5 of the U.S. Code, Subchapter II and Chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.[1]

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Acting Register of Copyrights has determined that the regulations will have no significant impact on small businesses.

List of Subjects in 37 CFR Parts 201 and 202

Copyright, Copyright office.

In consideration of the foregoing, Parts 201 and 202 of 37 CFR Chapter II are amended in the manner set forth below.

PART 201—[AMENDED]

To the authority citation for Part 201 is revised to read as follows:

Authority: Sec. 702, 90 Stat. 2541; 17 U.S.C. 702. * * *

2. Section 201.1 is revised to read as follows:

§ 201.1 Communications with the Copyright Office.

(a) *In general.* Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington, D.C. 20559.

(b) *Inquiries to Licensing Division.* Inquiries about filings related to the four compulsory licenses (17 U.S.C. 111, 115, 116, and 118) should be addressed to the Licensing Division, LM–454, Copyright Office, Library of Congress, Washington, D.C. 20557.

[1] The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title [17]," except with respect to the making of copies of copyright deposits). [17 U.S.C. 706(b)]. The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA–FOIA requirements.

(c) *Copies of records or deposits.* Requests for copies of records or deposits should be addressed to the Certifications and Documents Section, LM–402, Copyright Office, Library of Congress, Washington D.C. 20559.

(d) *Search of records.* Requests for searches of registrations and recordations in the completed catalogs, indexes, and other records of the Copyright Office should be addressed to the Reference and Bibliography Section, LM–450, Copyright Office, Library of Congress, Washington, D.C. 20559.

3. Section 201.2 is revised to read as follows:

§ 201.2 Information given by the Copyright Office.

(a) *In general.* (1) Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes, and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works.

(2) The Copyright Office does not furnish the names of copyright attorneys, publishers, agents, or other similar information.

(3) In the administration of the Copyright Act in general, the Copyright Office interprets the Act. The Copyright Office, however, does not give specific legal advice on the rights of persons, whether in connection with particular uses of copyrighted works, cases of alleged foreign or domestic copyright infringement, contracts between authors and publishers, or other matters of a similar nature.

(b) *Inspection and copying of records.* (1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies or identifying material deposited in connection with a completed copyright registration may be undertaken in the Certifications and Documents Section. Since some of these materials are not stored on the immediate premises of the Copyright Office, it is advisable to consult the Certifications and Documents Section to determine the length of time necessary to produce the requested materials.

(2) It is the general policy of the Copyright Office to deny direct public access to in-process files and to any work (or other) areas where they are kept. Likewise, direct public use of computer terminal intended to access the automated equivalents of these files is not permitted.

(3) Information contained in Copyright Office in-process files may be obtained by anyone upon payment of applicable fees and request to the Information and Reference Division, in accordance with the following procedures:

(i) In general, all requests by the public for information in the in-process and open unfinished business files should be made to the Certifications and Documents Section, which upon receipts of applicable fees will give a report that provides the following for each request:

(A) the date(s) of receipt of: (*1*) The application(s) for registration that may have been submitted and is (are) in process; (*2*) the document(s) that may have been submitted for recordation and is (are) in process; (*3*) the copy or copies (or phonorecords) that may have been submitted; (B) the title of the work(s); and (C) the name of the remitter.

(ii) Such searches of the in-process files will be given priority to the extent permitted by the demands of normal work flow of the affected sections of the Copyright Office.

(4) Access will be afforded as follows to pending applications for registration, the deposit material accompanying them, and pending documents for recordation that were submitted within the twelve month period immediately preceding the request for access: (i) in the case of applications for registration and deposits accompanying them, upon the request of the copyright claimant or his/her authorized representative, and (ii) in the case of documents, upon the request of at least one of the persons who executed the document or by an authorized representative of that person. These requests should be made to the Public Information Office, and the review of the materials will be permitted there. No charge will be made for this service.

(5) In exceptional circumstances, the Register of Copyrights may allow inspection of pending applications and open correspondence files by someone other than the copyright claimant, upon submission of a written request which is deemed by the Register to show good cause for such access and establishes that the person making the request is one properly and directly concerned. The written request should be addressed to the General Counsel of the Copyright Office, Department DS, Washington, D.C. 20540.

(6) In no case will direct public access be permitted to any financial or accounting records.

(7) The Copyright Office maintains administrative staff manuals referred to as its "Compendium of Office Practices I" and "Compendium of Office Practices II" for the general guidance of its staff in making registrations and recording documents. The manuals, as amended and supplemented from time to time, are available for purchase from the National Technical Information Service (Compendium I) and the Government Printig Office (Compendium II). They are also available for public inspection and copying in the Certifications and Documents Section.

(c) *Correspondence.* (1) Official correspondence, including preliminary applications, between copyright claimants or their agents and the Copyright Office, and directly relating to a completed registration, a recorded document, a rejected application for registration, or a document for which recordation was refused is available for public inspection. Requests for reproductions of the correspondence shall be made pursuant to paragraph (d) of this section.

(2) Correspondence, application forms, and any accompanying material forming a part of a pending application are considered in-process files and access to them is governed by paragraph (b) of this section.

(3) Correspondence, memoranda, reports, opinions, and similar material relating to internal matters of personnel and procedures, office administration, security matters, and internal consideration of policy and decisional matters including the work product of an attorney, are not open to public inspection.

(4) The Copyright Office will return unanswered any abusive or scurrilous correspondence.

(d) *Requests for copies.* (1) Requests for copies of records should include the following:

(i) A clear identification of the type of records desired (for example, additional certificates of registration, copies of correspondence, copies of deposits).

(ii) A specification of whether the copies are to be certified or uncertified.

(iii) A clear identification of the specific records to be copied. Requests should include the following specific information, if possible: (A) the type of work involved (for example, novel, lyrics, photograph); (B) the registration number; (C) the year date or approximate year date of registration; (D) the complete title of the work; (E) the author(s) including any pseudonym by which the author may be known; and (F) the claimant(s); and (G) if the requested copy is of an assignment, license, contract, or other recorded document, the volume and page number of the recorded document.

(iv) If the copy requested is an additional certificate of registration, include the fee. The Certifications and Documents Section will review requests for copies of other records and quote fees for each.

(v) The telephone number and address of the requestor.

(2) Requests for certified or uncertified reproductions of the copies, phonorecords, or identifying material deposited in connection with a copyright registration of published or unpublished works in the custody of the Copyright Office will be granted only when one of the following three conditions has been met:

(i) The Copyright Office receives written authorization from the copyright claimant of record or his or her designated agent, or from the owner of any of the exclusive rights in the copyright as long as this ownership can be demonstrated by written documentation of the transfer of ownership.

(ii) The Copyright Office receives a written request from an attorney on behalf of either the plaintiff or defendant in connection with litigation, actual or prospective, involving the copyrighted work. The following information must be included in such a request: (A) The names of all the parties involved and the nature of the controversy; (B) the name of the court in which the actual case is pending or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyrighted work is involved; and (C) satisfactory assurance that the requested reproduction will be used only in connection with the specified litigation.

(iii) The Copyright Office receives a court order for reproduction of the deposited copies, phonorecords, or identifying material of a registered work which is the subject of litigation. The order must be issued by a court having jurisdiction of the case in which the reproduction is to be submitted as evidence.

(3) When a request is made for a reproduction of a phonorecord, such as an audiotape or cassette, in which either a sound recording or the underlying musical, dramatic, or literary work is embodied, the Copyright Office will provide proximate reproduction. The Copyright Office reserves the right to substitute a monaural reproduction for a stereo, quadraphonic, or any other type of fixation of the work accepted for deposit.

PART 202—REGISTRATIONS OF CLAIMS TO COPYRIGHT

4. The authority citation for Part 202 is revised to read as follows:

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702.

Dated: July 17, 1985.

Donald C. Curran,

Acting Register of Copyrights.

[FR Doc. 85-17538 Filed 7-23-85; 8:45 am]

BILLING CODE 1401-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[FRL-2869-4; PP 3E2939/R778]

Pesticide Tolerance of Chlorothalonil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide chlorothalonil and its metabolite in or on the raw agricultural commodity cranberries. This regulation to establish a maximum permissible level for residues of chlorothalonil in or on cranberrries was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on July 24, 1985.

ADDRESS: Written objections, identified by the document control number [PP 3E2939/R778], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of June 27, 1985 (50 FR 26592), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 3E2939 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Stations of Massachusetts, New Jersey, Washington, and Wisconsin proposing the establishment of a tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4 hydroxy-2,5,6-(trichloroisophthalonitrile) in or on the raw agricultural commodity cranberries at 5.0 parts per million (ppm).

The pesticide is considered useful for the purpose for which the tolerance is sought. There are no regulatory actions pending against the continued registration of the pesticide. Based on the data submitted and evaluated, discussed in the proposed rule, the Agency has determined that the establishment of the tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 17, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.275 is amended by adding and alphabetically inserting the raw agricultural commodity cranberries to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cranberries	5.0
* * * * *	

[FR Doc. 85-17622 Filed 7-23-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 412

[BERC-317-F]

Medicare Program; Prospective Payment System for Hospital Inpatient Services; Redesignation of Rules; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rules.

SUMMARY: This document corrects §412.4(a)(1) of the Medicare rules by restoring content that was unintentionally omitted when the prospective payment rules were redesignated.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias, (202) 245-0383.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-6604, published on March 29, 1985, beginning on page 12740, we used the text of 42 CFR 405.470(c)(1) as it appeared in the October 1, 1983 issue of the Code of Federal Regulations, and redesignated it as § 412.4(a)(1). We overlooked the fact that § 405.470(c)(1) had been revised by final rules published on January 3, 1984 (49 FR 314) to include reference to leave of absence from the hospital.

Accordingly, in 42 CFR 412.4, the introductory statement of paragraph (a) is reprinted without change, and paragraph (a)(1) is corrected to reflect the January 3, 1984 revision, to read as follows:

§ 412.4 Discharges and transfers.

(a) *Discharges.* A hospital inpatient is considered discharged when any of the following occurs:

(1) The patient is formally released from the hospital. (Release of the patient to another hospital as described in paragraph (b) of this section, or a leave of absence from the hospital, will not be recognized as a discharge for the purpose of determining payment under the prospective payment system.)

* * * * *

Dated: July 17, 1985.

Peter D. Gness,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 85-17572 Filed 7-23-85; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations; Louisiana et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Floor Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
LOUISIANA	
Gretna (City), Jefferson Parish (FEMA Docket No. 6568)	
Mississippi River: Entire shoreline within community	*18
Rainfall-Runoff:	
Intersection of Burmaster Street and Hancock Street; intersection of Cook Street and Pratt Street; intersection of Porter Avenue and Palfrey Street; intersection of Willow Drive and 11th Street	*1.5
Intersection of New England Street and Stumpf Boulevard; intersection of Bolton Avenue and Linda Court; intersection of Derbes Street and Gretna Boulevard	*–2
Intersection of 28th Street and Long Avenue; intersection of Hero Drive and 33rd Street; intersection of Claire Avenue and Park Drive; intersection of Creagan Avenue and Trenton Lane	*–3
Maps available for inspection at the City Hall, Gretna, Louisiana.	
Kenner (City), Jefferson Parish (FEMA Docket No. 6568)	
Lake Pontchartrain: Entire shoreline in Kenner back to levee	*+15
Mississippi River: Entire shoreline within community	*+21
Rainfall-Runoff Ponding: Various locations throughout community	*–3.5–*+9
Maps available for inspection at the City Hall, Kenner, Louisiana.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MISSOURI	
Unincorporated areas of St. Louis County (FEMA Docket No. 6614)	
Antire Creek:	
Mouth at Meramec River	*447
Just upstream of Private Road (about 4500 feet upstream of mouth)	*454
At southern county boundary	*484
Little Antire Creek:	
Mouth at Antire Creek	*478
At southern county boundary	*527
Bonhomme Creek:	
About 1,450 feet upstream of mouth	*463
About 1.0 mile upstream of Pond Road	*688
Butler Hill Creek:	
Just downstream of Meramec Bottom Road	*417
About 4,100 feet upstream of Wells Road	*447
Lemay Creek:	
Mouth at Butler Hill Creek	*417
About 1.2 miles upstream of mouth	*430
Caulks Creek:	
Mouth at Bonhomme Creek	*467
About 1.1 miles upstream of Clayton Road	*606
Shotwell Creek:	
Mouth at Caulks Creek	*509
Just upstream of Ridgley Woods Road	*549
West Branch Caulks Creek:	
Mouth at Caulks Creek	*503
About 3,000 feet upstream of Christmas Valley Road	*598
Wilson Tributary:	
Mouth at Caulks Creek	*473
Just downstream of Wilson Avenue	*488
Coldwater Creek:	
Mouth at Missouri River	*437
Just downstream of Burlington Northern railroad	*459
Just upstream of Burlington Northern railroad	*470
About 0.5 mile upstream of confluence of Lawnview Creek	*505
Lawnview Creek:	
About 0.7 mile upstream of mouth	*511
About 1.1 miles upstream of mouth	*517
New Halls Ferry Creek:	
Mouth at Coldwater Creek	*498
Just downstream of New Halls Ferry Road	*502
Just upstream of New Halls Ferry Road	*507
About 2,200 feet upstream of New Halls Ferry Road	*510
Creve Coeur Creek:	
Just upstream of Creve Coeur Lake (about 1.4 miles downstream of Creve Coeur Mill Road)	*459
About 2,400 feet downstream of Baxter Road	*528
About 2,800 upstream of Baxter Road	*569
Creve Coeur Creek Tributary:	
Mouth at Creve Coeur Creek	*464
Just downstream of Fee Fee Road	*479
Just upstream of Fee Fee Road	*485
Just downstream of Ross Avenue	*502
Fernridge Creek:	
Mouth at Smith Creek	*476
About 200 feet upstream of Bellerive Estates Drive	*494
Maryville Creek:	
Mouth at Creve Coeur Creek	*486
Just downstream of St. Lukes Hospital Drive	*493
Just upstream of St. Lukes Hospital Drive	*501
About 1,300 feet upstream of Conway Road	*503
Smith Creek:	
Mouth at Creve Coeur Creek	*476
About 1,750 feet upstream of Ladue Road	*498
Dunn Creek:	
About 1,750 feet downstream of Dunn Road	*466
About 1,000 feet upstream of Ville Maria Lane	*487
Fee Fee Creek:	
About 2,300 feet downstream of Creve Coeur Mill Road	*457
Just downstream of Borman Drive	*510
Just upstream of Borman Drive	*516
Just downstream of Villadorado Drive	*518
About 1,000 feet upstream of Villadorado Drive	*523
Dorsett Tributary:	
Mouth at Fee Fee Creek	*468
Just upstream of Ameling Road	*475
About 600 feet upstream of Bush Creek Way	*485
East Tributary Fee Fee Creek:	
Mouth at Fee Fee Creek	*497
About 1.0 mile upstream of Lackland Road	*538

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Midland Creek:	
Mouth at Fee Fee Creek	*475
Just downstream of Adie Road	*529
North Tributary Midland Creek:	
Mouth at Midland Creek	*492
Just downstream of Fee Fee Road	*497
Fenton Creek:	
Just downstream of State Highway 141	*428
Just downstream of Greenmar Drive	*476
Just upstream of Greenmar Drive	*487
Just downstream of Green Knoll Drive	*495
Just upstream of Green Knoll Drive	*501
Fishpot Creek:	
About 1.5 miles downstream of Hanna Road	*432
Just downstream of Big Bend Road	*481
Just upstream of Big Bend Road	*490
Just downstream of Big Bend Woods Drive	*491
Just upstream of Big Bend Woods Drive	*498
About 800 feet upstream of Sulphur Springs Road	*425
Flat Creek:	
Just downstream of Eureka and Allenton Road	*477
About 0.6 mile upstream of Eureka and Allenton Road	*487
Forby Creek:	
About 0.25 mile downstream of Forby Road	*488
About 225 feet upstream of Vinetree Lane	*538
Fox Creek:	
About 1.25 miles downstream of Burlington Northern railroad	*461
Just downstream of State Highway 100	*585
Flatrock Creek:	
Mouth at Fox Creek	*522
About 2,700 feet upstream of mouth	*551
Hollow Tributary:	
Mouth at Fox Creek	*578
About 1.7 miles upstream of mouth	*669
Little Fox Creek:	
Mouth at Fox Creek	*505
At western county boundary	*551
Grand Glaize Creek:	
About 0.6 mile downstream of Quinette Road	*434
About 0.25 mile upstream of Braeshire Drive	*473
Glaize Creek:	
Mouth at Grand Glaize Creek	*457
Just upstream of State Highway 100	*462
About 0.7 mile upstream of Weidmann Road	*504
Sugar Creek:	
Mouth at Grand Glaize Creek	*441
About 1,650 feet upstream of Barrett Station Road	*449
Grand Glaize East Creek:	
Mouth at Grand Glaize Creek	*453
About 0.6 mile upstream of Barrett Station Road	*487
Grand Glaize West Creek:	
Mouth at Grand Glaize East Creek	*460
About 2,850 feet upstream of mouth	*471
Gravois Creek:	
Just upstream of Weber Road	*421
About 2,000 feet upstream of Gravois Road	*500
Mehlville Creek:	
Mouth at Gravois Creek	*446
Just upstream of Lemay Ferry Road	*457
About 2,800 feet upstream of Lemay Ferry Road	*467
St. George Creek:	
Mouth at Gravois Creek	*438
About 2,400 feet upstream of Lemona Drive	*472
Sappington Creek:	
Mouth at Gravois Creek	*478
Just downstream of Baptist Church Road	*522
Just upstream of Baptist Church Road	*530
Just downstream of Briarstone Drive	*538
Union Creek:	
Mouth at Gravois Creek	*457
About 2,200 feet upstream of mouth	*470
Hamilton Creek:	
Mouth at Meramec River	*438
About 0.25 mile upstream of Glencoe Road (upstream crossing)	*573
Carr Creek:	
Mouth at Hamilton Creek	*438
About 2.7 miles upstream of mouth	*562
Kiefer Creek:	
Mouth at Meramec River	*434
About 1.25 miles upstream of the upstream crossing of Kiefer Creek Road	*529
Spring Branch:	
Mouth at Kiefer Creek	*445
Just upstream of St. Paul Road	*539
Mackenzie Creek:	
At eastern county boundary	*425
About 1.0 mile upstream of Resurrection Cemetery Road	*490
Maline Creek:	
About 0.8 mile downstream of Halls Ferry Road	*449
About 0.65 mile upstream of Lucas and Hunt Road	*465
Black Jack Creek:	
Mouth at Maline Creek	*451
Just downstream of Hall Avenue	*478
Just upstream of Dunn Road	*493
Just downstream of Netherton Drive	*494
Dellwood Creek:	
Mouth at Black Jack Creek	*482
About 0.4 mile upstream of Clairmont Drive	*486
Halls Ferry Creek:	
Mouth at Black Jack Creek	*476
Just downstream of Sugarpine Drive	*496
Just upstream of Sugarpine Drive	*501
Martigney Creek:	
Mouth at Mississippi River	*420
Just downstream of Telegraph Road	*440
Jefferson Barracks Creek:	
Mouth at Martigney Creek	*427
About 3,000 feet upstream of mouth	*442
Mattese Creek:	
Mouth at Meramec River	*417
Just downstream of Rock Tunnel	*427
Just upstream of Rock Tunnel	*435
Just downstream of Interstate 55	*452
Just upstream of Little Rock Road	*458
Just downstream of Tesson Ferry Road	*544
West Tributary Mattese Creek:	
Mouth at Mattese Creek	*451
Just downstream of Interstate 55	*464
Just upstream of Interstate 55	*481
About 4,700 feet upstream of Interstate 55	*517
Mill Creek:	
About 1,900 feet upstream of mouth	*439
Just downstream of Old Jamestown Road	*449
Just upstream of Old Jamestown Road	*454
About 5.0 mile upstream of Old Jamestown Road	*459
Sugar Tributary:	
Mouth of Mississippi River	*419
About 4,000 feet upstream of mouth	*437
Tavern Creek:	
At western county boundary	*529
About 1.0 mile upstream of county boundary	*578
Tyson Hollow:	
Mouth at Meramec River	*435
About 0.5 mile upstream of Burlington Northern railroad	*461
Watkins Creek:	
Mouth at Mississippi River	*434
About 200 feet downstream of the downstream crossing of Dunn Road	*436
About 400 feet upstream of the downstream crossing of Interstate 270	*443
Just downstream of Claudine Drive	*498
Wildhorse Creek:	
Mouth of Missouri River	*472
Just downstream of County Highway T	*575
Just upstream of County Highway T	*580
Just downstream of Questover Canyon Subdivision Road	*613
Williams Creek:	
Just upstream of Burlington Northern railroad	*433
Just downstream of Lochmoor Drive	*474
Just upstream of Lochmoor Drive	*479
At southern county boundary	*544
East Tributary Williams Creek:	
Mouth of Williams Creek	*470
Just upstream of Hillsboro Road	*476
About 3,400 feet upstream of Hillsboro Road	*512
North Tributary Williams Creek:	
Mouth at Williams Creek	*433
About 3,450 feet upstream of Meramec Station Road	*440
Meramec River:	
Mouth as Mississippi River	*417
At western county boundary	*465
Mississippi River:	
At confluence of Meramec River	*417
At confluence of Missouri River	*436
Missouri River:	
Mouth at Mississippi River	*436
At western county boundary	*474
Northeast Branch River Des Peres: Within community	*543

Maps available for inspection at the Department of Highways and Traffic, St. Louis County Government Center, 7900 Forsyth Boulevard, Clayton, Missouri.

MONTANA

Stillwater County (unincorporated areas) (FEMA Docket No. 6592)

Butcher Creek: 125 feet upstream from center of Cemetery Road	*4,224
East Rosebud: 100 feet upstream from center of State Highway 78	*4,475
Fiddler Creek: 130 feet upstream from center of County Road	*5,137
Fishtail Creek: 100 feet upstream from State Highway 419	*4,576
Ingersoll Creek: 125 feet upstream from center of upstream crossing of Ingersoll Creek Road	*4,926
Rosebud Creek: 65 feet upstream from center of Grove Street	*4,033
Sheep Creek: 70 feet downstream from center of Church Street	*4,039
Side Channel West Fork Stillwater River: Center of downstream crossing of State Highway 419	*4,815
Stillwater River:	
25 feet downstream from center of Fiemans Road	*3,624
Center of State Highway 420	*4,439
West Fork Stillwater River: Center of State Highway 419	*4,848
West Rosebud Creek: Center of State Highway 419	*4,446

Maps available for inspection at the County Planning Office, Stillwater County, Courthouse, 4th Floor, Columbus, Montana.

NEW YORK

Rosendale (Town), Ulster County (FEMA Docket No. 6568)

Rondout Creek:	
Downstream corporate limits	*28
New York State Thruway (upstream side)	*39
Downstream crossing State Route 213 (upstream side)	*56
James Street (upstream side)	*65
Upstream crossing State Route 213 (upstream side)	*95
Wallkill River:	
Approximately 125 feet downstream of Perrine's Bridge Road	*182
New York State Thruway (upstream side)	*185
Upstream corporate limits	*187

Maps available for inspection at the Town Hall, Main Street, Rosendale, New York.

TEXAS

Mansfield (City), Tarrant County (FEMA Docket No. 6625)

Walnut Creek:	
At downstream corporate limits	*538
At confluence of Ragland Branch	*555
At Ragland Road (upstream side)	*565
Confluence of Hogpen Branch	*573
Walnut Creek Drive (upstream side)	*584
Southern Pacific Railroad (upstream side)	*591
Confluence of Willow Branch	*598
Upstream corporate limits	*609
Ragland Branch:	
At confluence with Walnut Creek	*555
Approximately 1,600 feet upstream of Ragland Road	*580
Hogpen Branch:	
Confluence with Walnut Creek	*573
Country Club Drive (upstream side)	*584
Debbie Lane (upstream side)	*609
U.S. Route 287 (Southbound) (upstream side)	*634
Spur 496 Mansfield Highway (upstream side)	*665

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Watson Branch:	
Confluence with Walnut Creek	*577
House Road (upstream side)	*619
Approximately 120 feet downstream of FM 157	*638
Pond Branch:	
At confluence with Walnut Creek	*585
Dallas Street (upstream side)	*606
Nichols Branch:	
At confluence with Walnut Creek	*591
Approximately 2,500 feet upstream of Newt Patterson Road	*607
Willow Branch:	
Confluence with Walnut Creek	*598
Approximately 600 feet upstream of corporate limits	*603
Low Branch:	
Downstream corporate limits	*538
Seeton Road (upstream side)	*561
Southern Pacific Railroad (upstream side)	*580
Mitchell Mansfield Road (upstream side)	*592
Approximately 600 feet upstream of upstream corporate limits	*617
Maps available for inspection at the City Hall, 1305 East Broad Street, Mansfield, Texas.	
UTAH	
Draper (City), Salt Lake County (FEMA Docket No. 6589)	
Willow Creek (West): 50 feet upstream from the center of the Denver and Rio Grande Western Railroad	*4,409
Willow Creek (East): Intersection of 1500 East Street and 12500 South Street (Lauritz Avenue)	*4,561
Corner Canyon Creek:	
70 Feet upstream from the center of the Denver and Rio Grande Western Railroad	*4,384
30 Feet upstream from the center of the Draper Irrigation Canal	*4,563
Maps available for inspection at City Hall, 12441 South 900 East, Draper, Utah.	
Murray (City), Salt Lake County (FEMA Docket No. 6592)	
Big Cottonwood Creek: Intersection of Vagabond Drive and Nashua Street	*4,264
Little Cottonwood Creek: Center of Myrtle Street, 200 feet east of its intersection with State Street (U.S. Highway 89, 91, and Alternate 50)	*4,278
Maps available for inspection at City Hall, 5461 South State, Murray, Utah.	
Salt Lake County (Unincorporated Areas) (FEMA Docket No. 6592)	
Jordan River:	
200 feet downstream from the center of Redwood Road	*4,215
A point 100 feet west of the center of Jordan River, approximately 2,400 feet downstream from the center of Redwood Road	*4,210
Emigration Creek:	
70 feet upstream from the center of Skycrest Lane	*5,295
30 feet upstream from the center of Burr Fork Road	*5,807
Burr Fork: At the confluence with Emigration Creek and Killyon Canyon	*5,885
Parleys Creek: 40 feet from the upstream end of the culvert under Interstate Highway 215	*4,595
Mill Creek:	
Intersection of Highland Drive (State Highway 152) and Murphys Lane	*4,407
85 feet upstream from the center of 2300 East Street	*4,604
Big Cottonwood Creek:	
50 feet downstream from the center of Kingsrow Drive	*4,335
60 feet upstream from the center of Holladay Cottonwood Road	*4,640
Little Cottonwood Creek:	
40 feet upstream from the center of the East Jordan Canal	*4,452
10 feet upstream from the center of Oak Creek Drive	*4,657
Dry Creek:	
120 feet upstream from the center of 700 East Street (State Highway 71)	*4,481
25 feet upstream from the center of Dimple Dell Road	*5,017
Willow Creek: 200 feet upstream from the upstream end of the culvert under 11700 South Street (located in the City of Sandy)	*4,697
Maps available for inspection at Public Works Department, Flood Control and Water Quality Division, 2033 South State Street, Salt Lake City, Utah.	
Sandy City (City), Salt Lake County (FEMA Docket No. 6592)	
Dry Creek: 50 feet upstream from the center of the Jordan and Salt Lake City Canal	*4,409
Willow Creek:	
80 feet upstream from the center of Hidden Valley Club Drive	*4,601
80 feet upstream from the center of Kathy Drive	*4,791
Maps available for inspection at City Hall, 800 East 100 North, Sandy, Utah.	
South Jordan (City) Salt Lake County (FEMA Docket No. 6592)	
Dry Creek: 40 feet upstream from center of 10,000 South Street	*4,359
Willow Creek: 40 feet upstream from center of Galena Canal	*4,350
Maps available for inspection at City Hall, 1600 West 10400 South, South Jordan, Utah.	
South Salt Lake (City) Salt Lake County (FEMA Docket No. 6592)	
Mill Creek: 30 feet downstream from the center of 300 East Street	*4,257
Shallow Flooding: Center of the ramp from southbound Interstate Highway 15 to eastbound 2100 South Street, 50 feet along the ramp from 2100 South Street	*4,227
Maps available for inspection at City Hall, 2500 South State Street, South Salt Lake, Utah.	
WEST VIRGINIA	
Vienna (City), Wood County (FEMA Docket No. 6525)	
Ohio River:	
9th Street (extended)	*612
39th Street (extended)	*613
Pond Run:	
At downstream corporate limits	*612
Approximately .18 mile upstream of 28th Street bridge	*623
Tributary A:	
At downstream corporate limits	*613
Approximately 620 feet upstream of downstream corporate limits	*617
Maps available for inspection at the City Building, 609 29th Street, Vienna, West Virginia.	

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Autaugaville (Town), Autauga County (FEMA Docket No. 6648)	
Swift Creek:	
About 800 feet downstream of State Highway 14	*151
About 1.0 mile upstream of State Highway 14	*152
White Water Creek:	
About 900 feet downstream of dam	*151
About 1,450 feet upstream of State Highway 14	*154
Yellow Water Creek:	
About 1,500 feet downstream of State Highway 14	*151
About 2,000 feet upstream of State Highway 14	*154
Maps available for inspection at City Hall, Autaugaville, Alabama.	
Unincorporated areas of Autauga County (FEMA Docket No. 6648)	
Alabama River:	
Just upstream of confluence of Mulberry Creek	*131
At eastern county boundary	*161
Autauga Creek:	
At mouth	*159
About 0.7 mile upstream of Illinois Central Gulf Railroad	*278
Bear Creek:	
At mouth	*154
About 3.6 miles upstream of confluence of Haney Branch	*220
Breakfast Creek:	
At mouth	*211
About 75 feet downstream of County Highway 57	*236
Just upstream of County Highway 57	*244
About 250 feet downstream of County Highway 59	*306
About 100 feet upstream of County Highway 59	*318
About 0.6 mile upstream of County Highway 59	*337
Haney Branch:	
At mouth	*159
About 0.8 mile upstream of Farm Road	*211
Noland Creek:	
At mouth	*158
About 1.2 miles upstream of confluence of Rogers Branch	*304
Rogers Branch:	
At mouth	*248
About 0.7 mile upstream of Farm Road	*393
Swift Creek:	
At confluence with Alabama River	*151
About 3.6 miles upstream of State Highway 14	*180
About 3.0 miles downstream of U.S. Highway 82	*232
About 700 feet upstream of Illinois Central Gulf Railroad	*280
White Water Creek:	
At confluence with Swift Creek	*151
About 1.7 miles upstream of State Highway 14	*177
Yellow Water Creek:	
At confluence with Swift Creek	*151
About 1.4 miles upstream of State Highway 14	*155
Maps available for inspection at the Autauga County Courthouse, Prattville, Alabama.	
ARKANSAS	
Bono (City), Craighead County (FEMA Docket No. 6649)	
Whaley Slough Ditch:	
At downstream corporate limits	*256
Upstream side of St. Louis-San Francisco Railroad	*262
Middle Drain:	
At confluence with Whaley Slough Ditch	*262
At upstream corporate limits	*277
Maps available for inspection at 103 College, Bono, Arkansas.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
COLORADO	
Aspen (City), Pitkin County (FEMA Docket No. 6649)	
Roaring Fork River:	
75 feet upstream from the center of Cemetery Lane	*7,709
75 feet upstream from the center of East Cooper Avenue (State Highway 82)	*7,939
Castle Creek: 90 feet upstream from the center of West Hallam Street (State Highway 82)	*7,837
Maroon Creek: 40 feet downstream from the center of State Highway 82	*7,777
Maps available for inspection at the Engineering Department, 130 South Galena, Aspen, Colorado.	
Winter Park (Town), Grand County (FEMA Docket No. 6645)	
Fraser River: 20 feet upstream from the center of Idlewild Road	*8,742
Vasquez Creek: 50 feet upstream from the center of U.S. Highway 40	*8,774
Little Vasquez Creek: Intersection of stream and the center of Viking Drive	*8,945
Mary Jane Creek: 100 feet upstream from confluence with Fraser River	*9,162
Cooper Creek: 10 feet upstream from center of Lagoon Road	*8,989
Leland Creek: 90 feet downstream from the center of the Denver and Rio Grande Western Railroad	*8,744
Maps available for inspection at Planning Department, 78 884 U.S. Highway 40, Winter Park, Colorado.	
DISTRICT OF COLUMBIA	
Washington (FEMA Docket No. 6604)	
Potomac River:	
Downstream corporate limits	*11
Confluence of Anacostia River	*11
Downstream side of Richmond Fredericksburg and Potomac Railroad	*12
Confluence of Rock Creek	*16
Upstream side of Key Bridge	*19
Approximately .75 mile upstream of Key Bridge	*21
Approximately 1.7 miles upstream of Key Bridge	*26
Approximately 1.0 mile downstream of Chain Bridge	*32
Upstream corporate limits	*43
Anacostia River:	
Confluence with Potomac River	*11
Upstream side of CONRAIL bridge	*12
Upstream side of Mintro-Orange Line	*14
Upstream corporate limits	*16
Rock Creek:	
Confluence with Potomac River	*16
Downstream side of P Street	*30
Confluence of creek along Normanstone Drive	*41
Upstream side of 2nd upstream crossing of National Zoo Roadway	*57
Confluence of Broad Branch	*74
Upstream side of second upstream crossing of Beach Drive above confluence of Broad Branch	*92
Upstream side of Rapids bridge	*107
Approximately .4 mile downstream of Joyce Road	*124
Downstream side of Joyce Road	*150
Confluence of Pinehurst Run	*165
Upstream corporate limits	*181
Creek along Normanstone Drive:	
Confluence with Rock Creek	*41
Downstream side of 1st upstream crossing of Normanstone Drive	*61
Downstream side of 29th Street	*84
Downstream side of 30th Street	*101
Approximately 200 feet upstream of 5th upstream crossing of Normanstone Drive	*124
Approximately 225 feet upstream of 6th upstream crossing of Normanstone Drive	*150
East Creek A:	
Downstream corporate limits	*165
Approximately 1,000 feet upstream of corporate limits	*168
Approximately 0.4 mile upstream of corporate limits	*170
East Creek B:	
Upstream side of Glennbrook Road	*240
Approximately 700 feet upstream Glennbrook Road	*263
Upstream side of 5th upstream Dirt Driveway	*283
Approximately 830 feet upstream of 5th upstream Dirt Driveway	*315
Fort Dupont Creek:	
Approximately 100 feet upstream of Chessie System	*24
Approximately 50 feet downstream of Minnesota Avenue	*29
Broad Branch:	
Approximately .57 mile upstream of confluence with Rock Creek	*102
Approximately 850 feet downstream of Grant Road	*122
Downstream side of Grant Road	*147
Downstream side of 27th Street	*170
Approximately 800 feet upstream of 27th Street	*181
Watts Branch:	
Confluence with Anacostia River	*14
Downstream side of Kenilworth Avenue	*20
Upstream side of 48th Street	*40
Upstream side of 55th Street	*67
Downstream side of 61st Street	*85
Downstream side of Southern Avenue	*94
Melvin Hazen Branch:	
Approximately 400 feet upstream of Connecticut Avenue	*208
Approximately .27 mile upstream of Connecticut Avenue	*215
Approximately .4 mile upstream of Connecticut Avenue	*247
Fenwick Branch:	
Confluence with Rock Creek	*175
Confluence of Tributary of Fenwick Branch	*190
Approximately .5 mile upstream of confluence with Rock Creek	*198
Approximately .7 mile upstream of confluence with Rock Creek	*211
Upstream corporate limits	*235
Tributary to Fenwick Branch:	
Confluence with Fenwick Branch	*190
Approximately .27 mile upstream of confluence with Fenwick Branch	*210
Approximately .48 mile upstream of confluence with Fenwick Branch	*232
Pope Branch:	
Upstream side of Fairlawn Avenue	*20
Approximately 250 feet downstream of Branch Avenue	*41
Approximately 200 feet upstream of Branch Avenue	*59
Approximately .33 mile upstream of Branch Avenue	*95
Approximately .63 mile upstream of Branch Avenue	*153
Pinehurst Run:	
Upstream side of Oregon Avenue	*208
Approximately 0.3 mile upstream of Oregon Avenue	*230
Approximately 0.6 mile upstream of Oregon Avenue	*252
Barnaby Run:	
Downstream corporate limits	*24
Downstream side of South Capitol and Southern Avenue	*42
Upstream corporate limits	*49
Oxon Run:	
Downstream corporate limits	*22
Upstream side of Atlantic Avenue	*47
Downstream side of Wheeler Road	*69
Approximately 0.5 mile upstream of Wheeler Road	*85
Upstream corporate limits	*107
Maps available for inspection at the Department of Consumer and Regulatory Affairs, Building and Land Regulation Administration, 614 H Street, N.W., Washington, D.C., and the Martin Luther King Library, 9th G Streets, N.W., Washington, D.C.	
FLORIDA	
Cinco Bayou (Town), Okaloosa County (FEMA Docket No. 6645)	
Choctawhatchee Bay: Within community	*6
Maps available for inspection at Town Hall, 35 Kelly Avenue (Cinco Bayou), Fort Walton Beach, Florida.	
Ft. Walton Beach (City), Okaloosa County (FEMA Docket No. 6645)	
Santa Rosa Sound:	
Along shoreline from about 600 feet south of intersection of Miramar Circle and Miracle Strip Parkway to about 500 feet southwest of intersection of Hood Avenue and Brooks Street	*8
At shoreline about 1,000 feet southwest of intersection of Driftwood Avenue and Miracle Strip Parkway	*9
Choctawhatchee Bay:	
About 400 feet south of intersection of Mooney Road and Linwood Road	*5
Along shoreline of Negro Bayou	*5
Along shoreline of Cinco Bayou from Smack Point to about 300 feet east of Nebraska Avenue	*5
Along shoreline from east of intersection of Beach View Drive North East and Marshall Drive to about 2,000 feet southwest	*5
Along shoreline of Cinco Bayou west of Nebraska Avenue	*6
At intersection of Hughes Street North East and Walton Drive	*6
At intersection of Pryor Road and Brooks Street	*7
Along shoreline from east of intersection of Marshall Drive and Beach View Drive North East to about 1,500 feet north	*7
Along shoreline from Smack Point to about 400 feet southeast of intersection of Brooks Street and Bay Drive	*10
Maps available for inspection at City Hall, P.O. Box 4009, Fort Walton Beach, Florida.	
Gulf Breeze (City), Santa Rosa County (FEMA Docket No. 6645)	
Santa Rosa Sound:	
About 2,000 feet north of Deer Point	*5
Along shoreline from Fair Point to State Road 399	*8
Along shoreline from State Road 399 to the eastern corporate limits	*9
Pensacola Bay:	
Along shoreline from about 1,000 feet north-northeast of intersection of Highpoint Drive and Madrid Avenue to the eastern corporate limits	*5
Along shoreline from about 1,000 feet east of Fair Point to about 1,000 feet north-northeast of intersection of Highpoint Drive and Madrid Avenue	*6
Maps available for inspection at City Hall, Gulf Breeze, Florida.	
Mary Esther (City), Okaloosa County (FEMA Docket No. 6645)	
Santa Rosa Sound:	
About 400 feet southwest of intersection of West Miracle Strip Parkway and Cristobal Road	*6
About 200 feet north of shoreline along Magnolia Avenue	*7
Along western corporate limits from about 150 feet north of shoreline to U.S. Highway 98	*7
Along shoreline from western corporate limits to Magnolia Avenue	*8
Along shoreline from Magnolia Avenue to eastern corporate limits	*9
Maps available for inspection at City Hall, 195 Christobal Road, North, Mary Esther, Florida.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Milton (City), Santa Rosa County (FEMA Docket No. 6648)	
Blackwater River:	
Just downstream of Louisville and Nashville Railroad	*9
About 0.56 mile upstream of U.S. Route 90	*14
Blackwater Bay: Along Blackwater River about 0.66 mile downstream of Louisville and Nashville Railroad	*11
Maps available for inspection at the City Hall, 601 Alabama Street, Milton, Florida.	
Niceville (City), Okaloosa County (FEMA Docket No. 6648)	
Swift Creek:	
About 400 feet downstream of State Road 20	*5
About 4,200 feet upstream of State Road 20	*10
Turkey Creek:	
At mouth	*5
About 6,000 feet upstream of State Road 85	*10
Choctawhatchee Bay:	
Along shoreline of Shirk Bayou	*5
At mouth of Mill Creek	*5
At shoreline of Rocky Bayou at State Road 20 bridge	*5
Along shoreline of Rocky Bayou at mouth of Bolton Branch	*7
At shoreline of Boggy Bayou about 650 feet west of intersection of Bay Shore Drive and Cross Street	*7
At shoreline of Boggy Bayou just west of intersection of Bay Shore Drive and 27th Street	*8
Maps available for inspection at the City Building, 208 North Partin Street, Niceville, Florida 32578	
Unincorporated Areas of Okaloosa County (FEMA Docket No. 6648)	
Yellow River:	
About 1.5 miles downstream of confluence of Mulligan Creek	*28
About 0.85 mile upstream of confluence of Davis Mill Creek	*78
Shoal River:	
At mouth	*50
About 2,900 feet upstream of confluence of Bends Creek	*88
Garnier Creek:	
At mouth	*5
About 2.8 miles upstream of State Road 189	*41
Lightwood Knot Creek:	
At mouth	*5
About 2.73 miles upstream of confluence of West Branch	*50
West Branch:	
At mouth	*10
About 1.27 miles upstream of mouth	*24
Swift Creek:	
About 4,480 feet downstream of State Route 285	*8
About 3,600 feet downstream of State Route 285	*10
Gulf of Mexico:	
About 1,000 feet south of the intersection of U.S. Route 98 and Benning Drive	*4
Along southern shoreline of Santa Rosa Island from the western county boundary to about 1,000 feet south of the intersection of Amberjack Drive and Santa Rosa Boulevard	*7
Along southern shoreline of Santa Rosa Island from about 1.0 mile west of East Pass to about 4.1 miles east of East Pass	*9
Santa Rosa Sound:	
Along southern shoreline from western county boundary to Miracle Strip Parkway bridge over The Narrows	*6
Along northern shoreline from western county boundary to about 2.8 miles east of western county boundary	*9
Choctawhatchee Bay:	
Along southern shoreline from the eastern county boundary to Indian Bayou	*3
At Grass Lake	*3
Along shoreline of Rocky Bayou east of State Road 20	*5
At Bens Lake Outlet	*6
Along shoreline of Cinco Bayou west of State Road 85	*6
About 200 feet south of the intersection of North View Drive and South View Drive	*8
About 600 feet south of the intersection of Sherwood Drive and Blenheim Road	*8
Maps available for inspection at the Planning and Zoning Office, 10 First Avenue, Ft. Walton Beach, Florida.	
Sanibel (C), Lee County (FEMA Docket No. 6645)	
Gulf of Mexico:	
Approximately 6,000 feet north of intersection of Gulf Pines Drive and White Ibis Drive	*8
Intersection of Lost Colony Road and Wulfert Road	*8
Intersection of Dixie Beach Boulevard and Angel Drive	*9
Approximately 2,500 feet north of intersection of Sanibel-Captiva Road and J.N. "Ding" Darling Memorial Wildlife Refuge Drive	9
Intersection of Bay Drive and Bailey Road	*9
Approximately 1,350 feet north of intersection of Sanibel-Captiva Road and Tarpon Bay Road	*9
Along south shoreline from southern end of Bowman's Beach Road to Rabbit Road	*15
Along south shoreline from Blind Pass to the southern end of Bowman's Beach Road	*16
Along south shoreline from Rabbit Road to Tarpon Bay Road	*17
Along south shoreline from Tarpon Bay Road to intersection of Lindgren Boulevard and Sand Dollar Drive	*19
Along south shoreline from intersection of Lindgren Boulevard and Sand Dollar Drive to east end of Sanibel Island at Point Ybel	*20
Maps available for inspection at the City Hall, City of Sanibel, 800 Dunlop Road, Sanibel, Florida.	
Santa Rosa County (Unincorporated Areas), (FEMA Docket No. 6645)	
Blackwater River:	
Just downstream of Louisville and Nashville Railroad	*9
About 14.3 miles upstream of U.S. Route 90	*39
East Bay River:	
At mouth	*7
At eastern county boundary	*15
Escambia River:	
Just downstream of confluence of White River	*9
About 15.6 miles upstream of State Road 184	*35
Yellow River:	
About 3.7 miles downstream of State Road 87	*10
About 15.3 miles upstream of State Road 87	*31
Escambia Bay:	
At eastern shoreline of Escambia Bay about 2.0 miles south of mouth of Trout Bayou	*6
At mouth of Escambia River	*13
East Bay:	
At southern shoreline of East Bay about 2 miles east of Redfish Point	*4
At mouth of Tom King Bayou	*11
Gulf of Mexico:	
Along southern shoreline of Santa Rosa Island from about 2,500 feet west of eastern county boundary to eastern county boundary	*7
Along southern shoreline of Santa Rosa Island from about 3,500 feet east of intersection of State Road 399 and State Road 87 to about 2,500 feet west of eastern county boundary	*8
Blackwater Bay:	
At Grassy Point	*7
At Marquis Basin	*9
Just upstream of Interstate 10	*14
Santa Rosa Sound:	
About 500 feet west of intersection of Southside Road and City Road 191	*6
Along northern shoreline of Santa Rosa Sound from the eastern end of Southside Road to the eastern county boundary	*9
Maps available for inspection at the Santa Rosa Administrative Center, 1099 Bagdad Highway, Room 202, Milton, Florida.	
Shalimar (City), Okaloosa County (FEMA Docket No. 6645)	
Choctawhatchee Bay:	
About 550 feet west of intersection of Shalimar Drive and Richbourg Avenue	*5
About 300 feet northeast of intersection of Shalimar Drive and Tinney Trail	*6
Along shoreline of Garnier Bayou from about 400 feet south of State Road 85 to about 250 feet west of Old Ferry Road at corporate limits	*7
Along shoreline of Garnier Bayou from about 300 feet southwest of intersection of Shalimar Drive and 12th Street to State Road 85	*7
Along shoreline of Garnier Bayou from northern corporate limits to about 300 feet southwest of intersection of Shalimar Drive and 12th Street	*8
Along shoreline of Garnier Bayou from State Road 85 to about 400 feet south of State Road 85	*8
Along shoreline of Garnier Bayou from about 250 feet west of Old Ferry Road at corporate limits to southwest corporate limits	*8
Maps available for inspection at City Hall, P.O. Box 815, Shalimar, Florida.	
Valparaiso (City), Okaloosa County (FEMA Docket No. 6645)	
Turkey Creek:	
About 2,000 feet upstream of mouth	*6
About 6,800 feet upstream of mouth	*10
Choctawhatchee Bay:	
Along shoreline of Tom's Bayou	*5
Along shoreline of Boggy Bayou from intersection of East View Avenue and Shore Drive to intersection of Mansfield Street and John Sims Parkway	*5
About 2,500 feet south of end of Grandview Avenue	*5
At shoreline east of intersection of Georgia Avenue and Grand View Avenue	*5
At shoreline east of end of Grand View Avenue	*7
At shoreline east of intersection of Southview Avenue and Bay Shore Drive	*7
Maps available for inspection at City Hall, P.O. Box 296, Valparaiso, Florida.	
IDAHO	
Gooding (City), Gooding County (FEMA Docket No. 6645)	
Little Wood River: Intersection of 7th Avenue and Idaho Street	*3,569
Maps available for inspection at City Hall, 308 5th Avenue, West, Gooding, Idaho	
Gooding County (Unincorporated Areas) (FEMA Docket No. 6645)	
Little Wood River: 50 feet upstream of center of 7th Avenue	*3,547
Snake River: Intersection of U.S. Highway 30 and center of Snake River	*2,881
Maps available for inspection at Gooding Courthouse, Gooding, Idaho	
Shoshone (City), Lincoln County (FEMA Docket No. 6645)	
Little Wood River: Intersection of North Edith Street and East 6th Street	*3,989
Maps available for inspection at City Hall, 207 South Rail Street, West, Shoshone, Idaho	
ILLINOIS	
Unincorporated Areas of Adams County (FEMA Docket No. 6648)	
Tributary No. 2	
At mouth	*576
About 0.9 miles upstream of mouth	*634

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mississippi River:	
About 10.1 miles downstream of confluence of Mill Creek	*475
About 4.0 miles upstream of Lock and Dam No. 20	*495
Emery Creek:	
About 0.5 mile downstream of State Street	*589
Just downstream of State Street	*598
Curtis Creek:	
At mouth	*485
About 200 feet downstream of State Route 96	*625
About 0.9 miles upstream of State Route 96	*660
Cedar Creek:	
About 0.59 mile downstream of 5th Street	*487
About 0.20 mile upstream of 12th Street	*553
Tributary No. 3:	
About 1,000 feet downstream of Burlington Northern Railroad	*606
About 0.43 miles upstream of 30th Street	*632
Maps available for inspection at the County Clerks Office, Adams County Courthouse, Quincy, Illinois.	

Brown County (unincorporated areas) (FEMA Docket No. 6645)

Illinois River:	
At downstream of County Boundary	*447
At upstream County Boundary	*448
Maps available for inspection at the County Clerks Office, County Courthouse, Mt. Sterling, Illinois.	

Unincorporated Areas of Cass County (FEMA Docket No. 6648)

Illinois River:	
About 13.2 miles downstream of State Route 100 (downstream county boundary)	*447
About 10.5 miles upstream of State Route 100 (upstream county boundary)	*450
Maps available for inspection at the County Office, County Clerks Courthouse, Virginia, Illinois.	

East Cape Girardeau (Village), Alexander County (FEMA Docket No. 6648)

Mississippi River:	
About 0.6 mile downstream of State Route 146	*355
About 0.8 mile upstream of State Route 146	*358
Maps available for inspection at the Witz Village Barbecue Restaurant, East Cape Park, East Cape, Illinois.	

Unincorporated Areas of Greene County (FEMA Docket No. 6648)

Illinois River:	
About 3.0 miles downstream of State Route 100	*440
About 4.9 miles upstream of Illinois Central Gulf Railroad	*443
Hurricane Creek South:	
At mouth	*441
About 300 feet upstream of Bluff Street	*452
Maps available for inspection at the Office of the Supervisor of Assessments, Greene County Courthouse, Carrollton, Illinois.	

Gulfport (V), Henderson County (FEMA Docket No. 6645)

Mississippi River:	
About 0.9 mile upstream of U.S. Highway 34	*535
About 0.3 mile downstream of Burlington Northern railroad	*534
Maps available for inspection at the Village Hall, Rt. #1, Box G-62, Carman, Illinois.	

Mattoon (City), Coles County (FEMA Docket No. 6648)

Kickapoo Creek:	
About 0.32 miles downstream 6th Street	*702
About 450 feet upstream of Lake Land Boulevard	*711
Maps available for inspection at the City Courts Office, City Hall, 209 North 19th Street, Mattoon, Illinois.	

Unincorporated Areas of McLean County (FEMA Docket No. 6642)

Little Kickapoo Creek:	
Just upstream of County Route 34	*750
Just downstream of Norfolk Southern Railway	*809
Just upstream of Norfolk Southern Railway	*820
Just downstream of Lincoln Street	*824
Sugar Creek:	
Just upstream of Six Points Road	*731
Just downstream of Interstate 55	*736
Just upstream of Washington Street	*744
Just downstream of Conrail (near White Oak Road)	*747
Just upstream off Illinois Central Gulf Railroad near Vernon Avenue	*786
Just downstream of Airport Road	*808
Goose Creek:	
Just upstream of West Oakland County Road	*743
Just downstream of Illinois Central Gulf Railroad	*756
Just upstream of Illinois Central Gulf Railroad	*767
Just downstream of Morris Avenue	*774
Skunk Creek:	
At mouth	*745
Confluence of East and West Tributary Skunk Creek	*757
West Branch Sugar Creek:	
About 900 feet upstream of mouth	*756
About 2550 feet upstream of mouth	*760
Maps available for inspection at the County Building and Zoning Department, McLean County Courthouse, 202 West Main Street, Room 201, Bloomington, Illinois.	

Pleasant Hill (V), Pike County (FEMA Docket No. 6645)

Mississippi River:	
About 1.2 miles upstream of Lock and Dam No. 24	*458
About 2.3 miles upstream of Lock and Dam No. 24	*459
Maps available for inspection at the City Hall Building, 104 West Quincy Street, Pleasant Hill, Illinois.	

Unincorporated Areas of Schuyler County (FEMA Docket No. 6648)

Illinois River:	
At confluence of La Moine River	*448
About 2,400 feet upstream of confluence of Wilson Creek	*452
Maps available for inspection at the County Clerks Office, Schuyler County Courthouse, Rushville, Illinois.	

Sun River Terrace (V), Kankakee County (FEMA Docket No. 6645)

Kankakee River: Within community	*611
Maps available for inspection at the Kankakee County Regional Planning Commission, Courthouse Annex, Kankakee, Illinois.	

INDIANA

Milltown (Town), Crawford & Harrison Counties

Blue River:	
About 0.51 mile downstream of Main Street	*546
About 0.55 mile unstream of Norfolk Railway	*553
Maps available for inspection at the Clerks Office, 330 Harrison Avenue, Milltown, Indiana. Send comments to Honorable Joyce Brisco, President, Town of Milltown, P.O. Box 96, Milltown, Indiana 47145.	

KANSAS

New Cambria (City), (FEMA Docket No. 6648)

Saline River:	
About 0.64 mile upstream of confluence with Smoky Hill River	*1,197
About 1.08 miles downstream of Union Pacific Railroad	*1,199
Smoky Hill:	
At confluence of Saline River	*1,197
About 2.70 miles upstream of confluence of Saline River	1,199
Maps available for inspection at the City Building, New Cambria, Kansas.	

KENTUCKY

Elkhorn City (C), Pike County (FEMA Docket No. 6645)

Russel Fork:	
About 0.55 mile downstream of Chessie System	*770
About 1.2 miles upstream of Center Street (east crossing)	*817
Maps for inspection at City Hall, Elkhorn City, Kentucky.	

Salyersville (C), Magoffin County (FEMA Docket No. 6645)

Licking River:	
About 1.2 miles downstream of Licking Avenue	*852
About 700 feet upstream of Mountain Parkway	*862
State Road Fork: Within community	856
Burning Fork:	
At mouth	*857
About 740 feet upstream of Ward Road	*859
Maps available for inspection at City Hall, Salyersville, Kentucky.	

LOUISIANA

East Baton Rouge Parish (FEMA Docket No. 6645)

Indian Bayou:	
Confluence with Upper White Bayou	*96
Approximately 0.73 mile downstream of Port Hudson-Pride Road	*96
Upstream side of Port Hudson-Pride Road	*102
Approximately 0.73 mile upstream of Port Hudson-Pride Road	*105
Baker Canal:	
Upstream side of Kansas City Southern Railroad	*63
Downstream City of Baker Corporate limits	*66
Upper Cypress Bayou:	
At City of Baker corporate limits	*76
At confluence of South Canal	*79
South Canal:	
At confluence with Upper Cypress Bayou	*79
At confluence of Upper White Bayou	*83
Upper White Bayou:	
At confluence with South Canal	*83
At downstream Zachary corporate limits	*91
Approximately 75 feet downstream of Illinois Central Gulf Railroad	*99
Hub Bayou:	
At confluence with Amite River	*61
Approximately 1.3 miles upstream of State Highway 37	*72
Approximately 0.5 mile downstream of Hubbs Road	*78
Shoe Creek Tributary No. 1:	
At confluence with Shoe Creek	*54
Approximately 1,200 feet downstream of Hooper Road	*60
Blackwater Bayou Tributary No. 1:	
At confluence with Blackwater Bayou	*62
Upstream side of Core Lane	*70
Upstream side of McCullough Road	*78
Blackwater Bayou Tributary No. 2:	
At confluence with Blackwater Bayou	*69
Upstream side of Blackwater Road	*74
Approximately 1,100 feet upstream of Private Road	*76
Amite River:	
At confluence with Comite River	*42
Upstream side of Morgan Road (extended)	*47
At confluence of Hub Bayou	*61
Draughans Creek:	
At confluence with Comite River	*44
Approximately 1,300 feet downstream of Greenwell Springs Road	*47
Approximately 100 feet upstream of Greenwell Springs Road	*51

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 2 miles upstream of Greenwell Springs Road	*62
Beaver Bayou:	
At confluence with Comite River	*45
Approximately 50 feet upstream of Greenwell Springs Road	*53
Approximately 25 feet upstream of Wax Road	*62
Upstream side of Hubbs Road	*76
Shoe Creek:	
At confluence with Comite River	*48
At confluence of Shoe Creek Tributary No. 1	*54
At Ben Dickey Drive (extended)	*59
Monte Sano Bayou:	
Approximately 100 feet downstream of Illinois Central Gulf Railroad	*48
Upstream side of Interstate Route 110	*54
Confluence with Gibbens Lateral North	*64
Engineer Depot Canal:	
Downstream side of Sarasota Drive	*45
Upstream side of Sherwood Forest Boulevard	*53
Wards Creek:	
Upstream side of Government Street	*48
Upstream side of North Street	*52
Approximately 1,082 feet upstream of Fairfield Avenue	*54
Robert Canal:	
At confluence with Robert Canal Tributary No. 1	*53
Upstream side of Ford Avenue	*58
Robert Canal Tributary No. 1:	
At confluence with Robert Canal	*53
Approximately 1,200 feet upstream of Homewood Drive	*55
Bayou Duplantier Corporation Canal:	
Upstream side of Lee Drive	*27
At Louisiana State University parking lot access road	*28
Dawson Creek:	
Downstream side of College Drive	*29
Upstream side of Acadian Thruway	*32
Approximately 1,270 feet upstream of Clay Cut Road	*37
Honey Cut Bayou:	
At confluence with Amite River	*37
Approximately 250 feet upstream of O'Neal Lane	*41
Downstream side of Old Hammond Road	*42
Bayou Fountain Tributary No. 1:	
Upstream side of Fulmer Skipwith Road	*17
Approximately 0.9 mile upstream of Highland Road	*27
North Branch Wards Creek:	
Confluence with Wards Creek	*29
Downstream side of Florida Boulevard	*53
Jones Creek:	
At confluence with Amite River	*31
Downstream side of Lobdell extension	*52
Downstream side of Airline Highway	*54
Maps available for inspection at the Parish Police Jury, Parish Courthouse, Baton Rouge, Louisiana.	
MAINE	
Cumberland (Town), Cumberland County (FEMA Docket No. 6645)	
Casco Bay:	
Shoreline at Ebb Tide Drive (extended)	*10
Shoreline at Town Landing Road (extended)	*12
Shoreline at Pine Lane (extended)	*15
Shoreline at Seacore Road (extended)	*13
Shoreline at Stonaway Road (extended)	*13
Entire west shoreline of Great Chebeague Island	*10
Shoreline at Soule Road (extended)	*12
Shoreline at Central Landing	*11
Shoreline at South Shore Road (extended)	*14
Shoreline approximately 1,500' south of South Shore Road (extended)	*20
Entire east shoreline of Sturdivant Island	*12
Entire west shoreline of Sturdivant Island	*10
Entire shoreline of Basket Island	*10
Entire shoreline of Upper Green Islands	*10
Entire shoreline of Crow Island (North)	*9
Entire shoreline of Crow Island (South) within community	*15
Entire east shoreline of Hope Island	*13
Entire west shoreline of Hope Island	*10
Entire shoreline of Sand Island	*9
Entire shoreline of Rogues Island	*9
Entire shoreline of Bates Island	*9
Entire shoreline of West Brown Cow Island	*9
Northeast shoreline of Jewell Island	*15
Shoreline at Punchbowl Cove of Jewell Island	*20
Entire west shoreline of Jewell Island within community	*9
Maps available for inspection at the Office of Mr. Robert Littlefield, Code Enforcement Officer, Cumberland, Maine.	
MARYLAND	
Fruitland (City), Wicomico County (FEMA Docket No. 6625)	
Tuesmis Branch:	
At downstream corporate limits	*8
At upstream side of Covered Bridge Road	*16
At upstream side of South Camden Avenue	*21
Slab Bridge Creek:	
At downstream corporate limits	*22
At upstream corporate limits	*22
Sharps Creek (tidal flooding from Wicomico River):	
At downstream corporate limits	*6
Approximately 1,900' upstream of corporate limits	*6
Maps available for inspection at the Fruitland City Hall, Fruitland, Maryland.	
Indian Head (Town), Charles County (FEMA Docket No. 6640)	
Potomac River:	
Entire shoreline of Potomac River within community	*8
Entire shoreline of Mattawoman Creek within community	*8
Maps available for inspection at the Indian Head Town Hall, 1107 Strauss Avenue, Indian Head, Maryland.	
Kent (County) (FEMA Docket No. 6649)	
Chesapeake Bay:	
Shoreline at Cedar Point	*10
Shoreline at Wilson Point	*10
Entire shoreline of Shore Cove	*7
Shoreline at Napley Green Road (extended)	*11
Shoreline at Allan Lane (extended)	*11
At confluence with Tavern Creek	*11
Shoreline at Tolchester Beach Road	*12
Shoreline west of end of Barnhardt Boulevard	*12
Shoreline at Worton Point	*13
Shoreline at Meeks Point	*13
Shoreline at Howell Point	*14
Sassafras River:	
Shoreline at confluence with Chesapeake Bay	*14
Approximately 2.2 miles upstream of confluence with Chesapeake Bay, approximately 250 feet south of shoreline	*11
Approximately 0.70 mile upstream of confluence of Gut Marsh	*14
Downstream side U.S. Route 301 bridge	*11
Chester River:	
At confluence of Hall Creek	*10
Shoreline at Bells Bar Point	*9
At confluence of Grays Inn Creek	*7
Shoreline at State Route 661 (extended)	*7
At confluence of Dam Creek	*7
Shoreline at Collins Road (extended)	*7
At confluence of Morgan Creek	*8
Shoreline at State Route 290	*8
Shoreline at confluence of Mills Branch	*10
Downstream corporate limits of Town of Millington	*13
At confluence of Andover Branch	*16
Radcliffe Creek:	
At confluence with Chester River	*7
Upstream side of State Route 20	*12
At confluence with Subdivision Tributary	*16
Upstream side of Conrail bridge	*48
Approximately 240 feet upstream of Mary Morris Road	*65
West Fork Tributary to Radcliffe Creek:	
At confluence with Radcliffe Creek	*20
Upstream side of Steward Road	*34
Upstream side Mary Morris Road	*64
East Fork Tributary to Radcliffe Creek:	
At confluence with Radcliffe Creek	*19
Upstream side of CONRAIL bridge	*39
Approximately 0.93 mile upstream of confluence with Radcliffe Creek	*50
Tributary No. 1:	
At confluence with West Fork Tributary to Radcliffe Creek	*45
Upstream side of Mary Morris Road	*64
Subdivision Tributary:	
At confluence with Radcliffe Creek	*16
Upstream side of Kennedy Drive	*34
East Fork Langford Creek:	
State Route 446 (extended)	*7
Downstream side of Langford-Brices Mill Road	*9
Approximately 60 feet downstream of Chestertown Fairlee Road	*24
Approximately 0.85 mile upstream of Chestertown Fairlee Road	*31
Upstream side of Stockton Startt Road	*49
East Fork Langford Creek Tributary:	
At confluence with East Fork Langford Creek	*37
At upstream side of Pond Dam	*48
Swan Creek:	
At confluence with The Haven	*9
Approximately 0.5 mile upstream of confluence with The Haven	*8
Upstream side of Swan Creek Road	*8
Approximately 60 feet downstream of Remington Pond Dam	*23
Jaggard Pond Tributary:	
At confluence with Swan Creek	*8
At Jaggart Pond Dam	*14
Second Tributary:	
At confluence with Swan Creek	*10
At Farm Pond Dam	*23
Tavern Creek:	
At confluence with Chesapeake Bay	*11
0.5 mile upstream of confluence with Chesapeake Bay	*6
At Swan Creek Road	*8
Upstream side of most downstream Pond Dam	*11
Approximately 0.72 mile upstream of most upstream Pond Dam	*21
Grays Inn Creek:	
Entire shoreline from confluence with Chester River to approximately 4.55 miles upstream of confluence with Chester River	*7
Approximately 0.18 mile upstream of Rock Hill Road	*12
Grays Inn Creek Tributary:	
At confluence with Grays Inn Creek	*7
Approximately 0.36 mile upstream of Eastern Neck Island Road	*8
Cypress Branch:	
At confluence with Chester River	*16
At State Route 291	*16
Maps available for inspection at the Planning Office, County Courthouse, Chestertown, Maryland.	
Kitzmiller (Town), Garrett County (FEMA Docket No. 6640)	
North Branch Potomac River:	
Approximately .38 mile downstream of most downstream corporate limits	*1,583
Upstream side of State Route 38	*1,609
Approximately .59 mile upstream of State Route 38	*1,630
Maps available for inspection at the Kitzmiller Town Hall, Kitzmiller, Maryland.	
MASSACHUSETTS	
Chilmark (Town), Dukes County (FEMA Docket No. 6640)	
Vineyard Sound:	
Entire shoreline within community	*12
Area approximately 200' west of Harlock Pond Road (extended)	*9
Atlantic Ocean:	
Shoreline at West Tisbury-Chilmark corporate limits	*12
Shallow flooding area approximately 1,000' west of West Tisbury-Chilmark	#1
Shallow flooding area at southern end of Pasture Road	#1

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
South shore of Chilmark Pond	*8
Shallow flooding dune area seaward of Chilmark Pond	#1
Shoreline at Wequobsque Cliffs	*25
Shallow flooding area seaward of Stonewall Pond	#1
Shallow flooding dune area along Squibnocket Road	#2
Shoreline at Squibnocket Point	*28
Shoreline approximately 1.2 miles southeast of Gay Head-Chilmark corporate limits	*18
Shoreline approximately 0.3 miles southeast of Gay-Chilmark corporate limits	*11
Shallow ponding area approximately 0.7 miles southeast of Gay Head-Chilmark corporate limits	*15
Menemsha Pond:	
Shouthwest shore of Menemsha Pond	*10
Shoreline at Abels Neck Road North Branch (extended)	*11
Eastern shore of Edys Island	*9
Tisbury Great Pond:	
South shore of Tisbury Great Pond	*8
Shoreline at Quansoo Road (extended)	*10
Tiasquam River:	
Shoreline at confluence with Town Cove	*10
Shoreline approximately 1,000' south of South Road	*9
Shoreline approximately 600' south of South Road	*8
Town Cove: Entire shoreline within community	*10
Squibnocket Pond:	
South shore of Squibnocket Pond	*8
North shore of Squibnocket Pond	*9

Maps available for inspection at the Town Hall, Chilmark, Massachusetts.

Gay Head (Town), Dukes County (FEMA Docket No. 6640)

Vineyard Sound:	
Shoreline approximately 2,200 feet north of intersection of Lighthouse Road and South Road	*12
Shoreline approximately 625 feet north of intersection of Lobsterville Road and West Road	*9
Atlantic Ocean:	
Shoreline approximately .75 mile northwest of Old South Road (extended)	*15
Entire shoreline of Lily Pond	*8
Shoreline of Old South Road (extended)	*13
Dune areas along Atlantic Ocean shoreline	#1
Shoreline approximately .75 mile southeast of Old South Road (extended)	*12
Squibnocket Pond:	
Western and northern shoreline within community	*9
Southern shoreline within community	*8
Menemsha Pond:	
Shoreline at Lobsterville Road (extended)	*11
Shoreline at confluence of stream connecting Squibnocket Pond with Menemsha Pond	*10

Maps available for inspection at the Town Hall, Gay Head, Massachusetts.

Newburyport (City), Essex County (FEMA Docket No. 6645)

Atlantic Ocean:	
Shoreline at southeastern corporate limits	*14
At Woodbridge Island	*9
Shoreline at Ocean Avenue (extended)	*12
Shallow flooding within community	#1
Merrimack River:	
Shoreline at Jefferson Street (extended)	*9
At Deer Island bridge	*10
At confluence of Artichoke River	*13
Lower Artichoke Reservoir shoreline within community	*13
Upper Artichoke Reservoir: Entire shoreline within community	*14

Maps available for inspection at the Community Development Department, City Hall, Pleasant Street, Newburyport, Massachusetts.

Quincy (City), Norfolk County (FEMA Docket No. 6649)

Furnace Brook:	
Upstream of first crossing of Furnace Brook Parkway	*11
At confluence with Cunningham Brook	*39
Upstream side of Crescent Street	*50
Approximately 850 feet upstream of Hayden Street	*81
Town Brook:	
Upstream side of Elm Street	*12
Upstream side of Water Street	*90
Upstream of second crossing of Conrail	*34
Cunningham Brook:	
At confluence with Furnace Brook	*39
Downstream side of Stedman Street	*39
Quincy Bay:	
Shoreline at Monmouth Street (extended)	*11
Shoreline at Sunrise Road (extended)	*17
Shoreline at Ashworth Street (extended)	*15
Shoreline at Bromfield Street (extended)	*15
Sheetflow between Brunswick Street and Bay Street	#2
Shoreline at Hobomack Road (extended)	*16
Sheetflow between Webster Street and Channing Street along Quincy Shore Drive	#2
Dorchester Bay:	
Shoreline at Shoreham Street (extended)	*11
Shoreline at Victory Road (extended)	*15
Fore River:	
Confluence with Town River Bay	*15
Shoreline at Washington Street bridge	*14
At Edge Water Drive and Rock Island Road intersection	*12
Town River Bay:	
Confluence with Fore River	*15
Shoreline at Roach Street	*12
Shoreline at Delano Avenue (extended)	*13
Shoreline at Cherry Street (extended)	*15

Maps available for inspection at the Office of Planning and Community Development, City Hall, Quincy, Massachusetts.

West Tisbury (Town), Dukes County (FEMA Docket No. 6640)

Atlantic Ocean:	
Shoreline 2,000' west of Big Homer Pond Road (extended)	*12
Shoreline at Big Homer Pond Road (extended)	*11
Shoreline 500' west of Butlers Pond Road (extended)	*13
Shoreline at Butlers Pond Road (extended)	*14
Area 600 feet west of intersection of Little Homer Pond Road and Jeannie Athearn Road	*8
Entire shoreline of Homer Pond	*9
Shallow Flooding Area:	
Dune area 800' east of western corporate limits	#1
Dune area 1,400' east of western corporate limits	#2
Tisbury Great Pond:	
Shoreline 1,650' south of intersection of Tish Cover Road and Bush Point Road	*8
Shoreline at Clam Point Road (extended)	*10
Tiasquam River:	
Approximately 1,000' south of South Road	*9
Approximately 200' south of South Road	*8
Vineyard Sound:	
Shoreline at Paul Point	*13
Blackwater Brook approximately 400' north of Lamberts Cove Road crossing	*9

Maps available for inspection at the Town Hall, West Tisbury, Massachusetts.

MINNESOTA

Buffalo (City), Wright County (FEMA Docket No. 6648)

Buffalo Lake: At shoreline	*922

Maps available for inspection at the City Hall, 212 Central Avenue, Buffalo, Minnesota 55315.

Redwood County (Unincorporated Areas), (FEMA Docket No. 6648)

Minnesota River:	
About 2.5 miles downstream of County Highway 11	*823
About 1.1 miles upstream of County Highway 7	*874

Maps available for inspection at the Redwood County Courthouse, Redwood Falls, Minnesota.

MONTANA

Anaconda-Deer Lodge County (Unincorporated Areas) (FEMA Docket No. 6649)

Warm Springs Creek:	
At center of North Cable Road	*5,364
150 feet upstream of Interstate Highway 90	*4,818

Maps available for inspection at the Office of Disaster Emergency Services, 800 South Main, Anaconda, Montana.

Richland County, (Unincorporated Areas) (FEMA Docket No. 6649)

Lone Tree Creek: 150 feet upstream from the center Fourteenth Street (County Route 488)	*1,936

Maps available for inspection at County Surveyer's Office, 221 5th Street, SW, Sidney, Montana.

Sidney (City), Richland County (FEMA Docket No. 6649)

Lone Tree Creek: 120 feet downstream from center of Ninth Avenue Southwest	*1,945

Maps available for inspection at the Richland County Surveyer's Office, 221 5th Street, SW, Sidney, Montana.

NEVADA

Churchill County (Unincorporated Areas), (FEMA Docket No. 6649)

Carson River: At intersection of Carson River and center of U.S. Alternate 95/U.S. Highway 50 (Reno Highway)	*3,972

Maps available for inspection at Building Department, 190 West 1st Street, Fallon, Nevada.

NEW JERSEY

Bloomingdale (Borough), Passaic County (Docket No. 6640)

Pequannock River:	
At downstream corporate limits	*214
Downstream side of most downstream crossing of New York Susequehanna and Western Railroad	*240
Upstream side of most downstream crossing of Paterson-Hamburg Turnpike	*256
Downstream side of Park Access Road	*275
Upstream side of downstream crossing of Main Street	*297
Approximately 110' upstream of most upstream crossing of New York Susquehanna and Western Railroad	*402
Upstream side of most upstream crossing of Paterson-Hamburg Turnpike	*428
At upstream corporate limits	*435
Cold Spring Brook:	
At confluence with Pequannock River	*364
Downstream side of Macopin Road	*398
At downstream side of dam at downstream end of Cold Spring Lake	*401
At upstream side of dam at downstream end of Cold Spring Lake	*420
At downstream side of dam at downstream end of Star Lake	*510
Approximately 150' upstream of Star Lake Road	*532
At upstream side of West Shore Road	*541
At upstream side of Glen Wild Avenue	*570
Approximately 600' upstream of Glen Wild Avenue	*593
Van Dam Brook:	
At confluence with Pequannock River	*249
Approximately 50' upstream of Union Avenue	*255
At downstream side of Oak Street	*263

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Approximately 430' downstream of Knolls Road	*278
Approximately 50' upstream of Knolls Road	*319
Approximately 520' upstream of Knolls Road	*322
Oakwood Lake Brook:	
At confluence with Pequannock River	*309
Approximately 270' upstream of Paterson-Hamburg Turnpike	*321
At downstream side of dam at downstream end of Oakwood Lake	*341
At downstream side of Roy Avenue	*356
At downstream side of Glen Wild Avenue	*373
Tributary to Van Dam:	
At confluence with Van Dam Brook	*251
Approximately 590' upstream of Walnut Street	*252
Tributary 1 to Posts Brook:	
At downstream corporate limits	*221
At downstream side of dam at downstream end of Lower Morse Lake	*228
At upstream side of Buena Vista Road	*244
At upstream side of dam at downstream end of Lake Ioscoe	*265
At downstream side of dam at downstream end of Glen Wilde Lake	*345
Tributary 2 to Posts Brook:	
At downstream corporate limits	*243
Downstream of dam at Lake Ioscoe	*256

Maps available for inspection at the Bloomingdale Clerk's Office, Borough Hall, Bloomingdale, New Jersey.

Burlington (City), Burlington County (FEMA Docket No. 6599)

Delaware River:	
Entire shoreline within community	*11
Entire shoreline of Assiscunk Creek within community	*11

Maps available for inspection at the City Hall, 432 High Street, Burlington, New Jersey.

Butler, Borough, Morris County (FEMA Docket No. 6640)

Pequannock River:	
Downstream corporate limits	*263
Upstream side of Main Street (1st downstream crossing)	*298
Upstream side of Main Street (2nd downstream crossing)	*331
Downstream side of Patterson Hamburg Turnpike	*368
Upstream side of New York Susquehanna and Western Railroad (3rd upstream crossing)	*402
Upstream corporate limits	*435
Stonehouse Brook:	
Confluence with Pequannock River	*295
Upstream side of High Street	*330
Downstream Side of Boonton Avenue	*348
Upstream side of Valley Road	*385
Approximately 450 feet downstream of State Route 23	*420
Approximately 100 feet downstream of State Route 23	*439
Confluence with Tributary to Stonehouse Brook	*500
Approximately .4 mile upstream of confluence with Tributary to Stonehouse Brook	*610

Maps available for inspection at the Butler Borough Hall, One Ace Road, Butler, New Jersey.

Oakland (Borough), Bergen County (FEMA Docket No. 6640)

Ramapo River:	
At downstream corporate limits	*209
At upstream face of West Oakland Avenue	*220
At upstream face of Lenape Lane	*230
At upstream corporate limits	*239
Allerman Brook:	
At confluence with Crystal Lake	*227
At upstream face of U.S. Route 202	*257
At upstream face of State Route 208	*279
At most upstream access road	*303
At corporate limits	*326
Tributary 1 to Ramapo River:	
At confluence with Ramapo River	*211
At downstream face of dam	*223
At upstream face of U.S. Route 202	*232
Approximately 760 feet upstream of U.S. Route 202	*239
Tributary 2 to Ramapo River:	
At downstream corporate limits	*246
Just upstream of Iroquois Avenue	*338
Approximately 440 feet upstream of Andrew Avenue	*356

Maps available for inspection at the Oakland Municipal Building, Oakland, New Jersey.

Old Bridge (Township), Middlesex County (FEMA Docket No. 6625)

Tennents Brook:	
Upstream side of Bordentown Avenue	*12
Approximately 190' upstream of First Golf Course Road	*24
Upstream side of U.S. Rute 9	*35
Iresick Brook:	
Approximately 50' upstream of Riverdale Avenue Dam	*16
Approximately 350' upstream of Old Bridge-Englishtown Road	*24
Upstream side of Birch Street	*31
Approximately 1,075' downstream of Pleasant Valley Road	*50
Barclay Brook:	
At confluence with Matchaponix Brook	*35
Approximately 370' downstream of Old Bridge-Englishtown Road	*39
Approximately 140' downstream of Hawkins Road	*50
At upstream corporate limits	*74
Deep Run:	
At Water Works Road	*12
Approximately 40' upstream of State Route 516	*14
Approximately 300' upstream of U.S. Route 9	*42
At upstream corporate limits	*57
South River:	
At Bordentown Avenue	*12
At Duhernal Lake Dam	*12
At confluence of Matchaponix Brook	*15
Matchaponix Brook:	
At confluence with South River	*15
Downstream side of Texas Road State Route 520	*33
Approximately 80' downstream of Old Bridge-Englishtown Road	*50
At upstream corporate limits	*56
Raritan Bay:	
At Garden State Parkway over Cheesequake Creek	*12
At State Route 35 over Margaret Creek	*13
At State Route 35 ovr Cheesequake Creek	*15
At Ocean Boulevard over Whale Creek	*15
Along entire shoreline	*18

Maps available for inspection at the Old Bridge Township Engineer's Office, Township Hall, 1 Old Bridge Plaza, Old Bridge, New Jersey.

Pompton Lakes, Borough, Passaic County (FEMA Docket No. 6645)

Pequannock River:	
At downstream corporate limits	*186
At upstream side of Riverdale Road	*190
At upstream corporate limits	*214
Ramapo River:	
At downstream corporate limits	*186
At upstream side of Pompton Lakes Dam	*207
At upstream corporate limits	*209
Posts Brook:	
At confluence with Wanaque River	*203
At upstream side of Broad Street	*207
At breached dam below Lower Twin Lake	*211
Acid Brook:	
At confluence with Ramapo River	*207
Approximately 125' upstream of Lakeside Avenue	*213
At upstream side of North Legion Street	*221
Approximately 420' above Dupont Place	*224
Lower Twin Lake:	
Entire shoreline within community	*211

Maps available for inspection at the Municipal Clerk's Office, Pompton Lakes Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey.

Raritan (Township), Hunterdon County (FEMA Docket No. 6625)

Neshanic River:	
At downstream corporate limits	*121
Upstream side of Everitts Road	*124
Upstream side of Kuhl's Road	*136
First Neshanic River:	
At confluence with Neshanic River	*136
Upstream side of U.S. Route 202 (State Route 31)	*153
Downstream side of Dayton Road	*160
Approximately 460 feet upstream of Dayton Road	*162
Second Neshanic River:	
At confluence with Neshanic River	*136
Upstream Black River and Western Railroad	*144
Downstream side of Johanna Farms Road	*170
Approximately 950 feet upstream side of Sergeantsville-Flemington Road	*239
Third Neshanic River:	
At confluence with Neshanic River	*135
Upstream side of Everitts Road	*150
At upstream corporate limits (downstream Easton Trenton Turnpike	*161
Walnut Brook:	
At confluence with First Neshanic River	*153
60 feet downstream of Private Drive	*170
Upstream side of Mine Street	*189
Approximately 50 feet upstream of Capner Street	*224
Route 202 Tributary:	
At confluence with South Branch Raritan River	*102
Downstream side of Dory Dilts Road	*120
Downstream side of Vorhees Corner Road	*142
Upstream side of Vorhees Corner Road	*150
Bushkill Brook:	
At confluence with South Branch Raritan River	*107
Approximately 100 feet upstream of Black River and Western Railroad	*113
Downstream side of Flemington Junction Road	*126
Upstream side of State Route 31	*130
Approximately 1,160 feet upstream of State Route 31	*134
Assiscong Creek:	
Upstream side of Conrail	*117
Downstream side of State Route 31	*160
Approximately 100 feet upstream of Old Clinton Road	*205
Upstream side of Private Drive (adjacent to Chapelview Drive)	*250
Downstream side of 4th upstream Private Drive	*278
Downstream side of 5th upstream Private Drive	*363
South Branch Raritan River:	
At downstream corporate limits	*97
At confluence of Route 202 Tributary	*102
Downstream side of Black River and Western Railroad	*107
Upstream side of Conrail crossing	*111
Downstream side of Flemington White House Road	*115

Maps available for inspection at the Raritan Township Municipal Building, South Main Street, Flemington, New Jersey.

Riverdale (Borough), Morris County (FEMA Docket No. 6640)

Pequannock River:	
Approximately 300' downstream of downstream corporate limits	*187
Downstream side of Paterson-Hamburg Turnpike (1st downstream crossing)	*201
Upstream side of Conrail	*213
Downstream side of New York Susquehanna and Western Railroad	*240
At upstream corporate limits	*263

Msps available for inspection at the Riverdale Clerk's Office, Borough Hall, Riverdale, New Jersey.

South Brunswick, Township of, Middlesex County (FEMA Docket No. 6645)

Lawrence Brook:	
Corporate limits at confluence of Ireland Brook	*55
Upstream side of Davidsons Mill Road	*57

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Upstream side of Dam, located just upstream of Riva Avenue	*65
Upstream side of Deans Lane	*67
Upstream side of Georges Road	*72
At Conrail crossing, just upstream of Dayton Road	*89
Trib. to Lawrence Brook:	
At Confluence with Lawrence Brook	*72
Downstream of Deans Lane	*83
Great Ditch:	
At confluence with Lawrence Brook	*70
Approximately 1270' upstream of confluence with Lawrence Brook	*75
Ireland Brook:	
At confluence with Lawrence Brook	*55
Upstream side of Fresh Ponds Road	*71
Upstream side of Dunhams Corner Fresh Ponds Road	*75
Upstream corporate limits	*81
Oakeys Brook:	
At confluence with Lawrence Brook	*55
Upstream side of Davidsons Mill Road	*83
Upstream side of U.S. Route 130	*90
Upstream side of downstream crossing of Conrail	*93
Upstream side of Dam	*100
Upstream side of U.S. Route 1	*107
Upstream side of Kroy Drive	*117
Downstream side of Henderson Road	*131
Trib. to Oakeys Brook:	
At confluence with Oakeys Brook	*105
Upstream side of Black Horse Lane	*110
Upstream side of Henderson Road	*129
Approximately 970' upstream of Henderson Road	*133
Cow Yard Brook:	
At confluence with Oakeys Brook	*93
Upstream side of Black Horse Lane	*99
Approximately 525' upstream of Deans Lane	*108
Six Mile Run Branch:	
Downstream corporate limits	*148
Upstream side of Langley Road	*161
Upstream side of Stillwell Road (upstream crossing)	*179
Approximately 1213' upstream of Stillwell Road	*192
Trib. to Six Mile Run Branch:	
At confluence with Six Mile Run Branch	*162
Upstream side of Sand Hills Road	*179
Approximately .4 mile upstream of Sand Hills Road	*204
Millstone River:	
Upstream side of State Route 27 at downstream corporate limits	*56
Upstream corporate limits	*57
Heathcote Brook:	
Upstream side of State Route 27 at downstream corporate limits	*56
Upstream side of Ridge Road	*61
Upstream side of U.S. Route 1	*71
At confluence of Switzgable Brook	*80
Upstream side of New Road	*124
Approximately 100' upstream of most upstream dam	*181
Switzgable Brook:	
At confluence with Heathcote Brook	*80
At New Road	*81
Heathcote Brook Branch:	
At confluence with Heathcote Brook	*72
At U.S. Route 1	*76
Carters Brook:	
At confluence with Heathcote Brook	*63
Upstream side of Raymond Road	*82
Approximately .2 mile downstream of Old Road	*180
Upstream corporate limits	*214
Trib. to Carters Brook:	
At confluence with Carters Brook	*82
At State Route 27	*113
Trib. to Heathcote Brook:	
At confluence with Carters Brook	*63
Upstream side of Brook Drive East	*89
Upstream corporate limits	*97
Devils Brook:	
Downstream corporate limits	*64
Upstream side of Culver Road	*90
Upstream side of Hay Press Road	*94
Shallow Brook:	
Downstream corporate limits	*61
Upstream side of Rowland Road	*85
First upstream corporate limits at U.S. Route 130 crossing	*108
At second upstream corporate limits	*110
At most upstream corporate limits	*126
Ten Mile Run:	
At downstream corporate limits	*137
Upstream side of New Road	*153
Approximately 260' downstream of Hastings Road	*172
Trib. No. 1 to Ten Mile Run:	
At confluence with Ten Mile Run	*140
Approximately 75' upstream of New Road	*156
Upstream side of Allstone Road	*178
Trib. No. 2 to Ten Mile Run:	
At confluence with Ten Mile Run	*148
Upstream side of Rumson Road	*162
Approximately 330' downstream of Kendall Road	*172
Maps are available for inspection at the Engineer's office, Municipal Building, Monmouth Junction, New Jersey.	

NEW YORK

Blooming Grove (Town), Orange County (FEMA Docket No. 6640)

Moodna Creek:	
At downstream corporate limits	*282
Downstream side of Gatequay Farm Road	*302
Upstream side of New York Route 94	*316
Upstream side of Farm Road	*321
At confluence of Cromline Creek & Otter Kill	*322
Otter Kill:	
At confluence with Moodna Creek	*322
At upstream corporate limits	*322
Cromline Creek:	
At confluence with Moodna Creek	*322
Approximately 300 feet upstream of Cherry Hill Road	*330
At confluence of Seely Brook	*348
Seely Brook:	
At confluence of Cromline Creek	*348
Upstream side of Hulsetown Road	*367
Upstream side of New York Route 94	*417
At upstream corporate limits	*428
Satterly Creek:	
At downstream corporate limits	*315
Upstream side of Horton Road	*337
Upstream side of Toro Hill Road	*351
Downstream side of 2nd upstream dam	*440
Upstream side of Peddler Hill Road	*516
Approximately 380 feet upstream of Museum Village Road	*589
Satterly Creek Tributary #5:	
At confluence with Satterly Creek	*348
Upstream side of Prospect Road (first crossing)	*357
Upstream side of 2nd upstream dam	*401
Approximately 60 feet upstream of Prospect Road (2nd crossing)	*464
Perry Creek:	
At downstream corporate limits	*313
Upstream side of Feiter Road	*403
Upstream side of second upstream dam	*483
Upstream side of Mountain Lodge Road	*513
Approximately 25 feet upstream of Clove Road	*526
Maps available for inspection at the Washingtonville Town Hall, Washingtonville, New York.	

Herrings (Village), Jefferson County (FEMA Docket No. 6648)

Black River:	
Downstream corporate limits	*664
Downstream side of Herrings Dam	*668
Upstream corporate limits	*686
Maps available for inspection at the Village Fire Hall, Herrings, New York.	

Lansing (Town), Tompkins County (FEMA Docket No. 6640)

Cayuga Lake: Entire shoreline within community	*386
Maps available for inspection at the Lansing Town Hall, Route 34, Lansing, New York.	

Nanticoke (Town), Broome County (FEMA Docket No. 6640)

East Branch Nanticoke Creek:	
Downstream corporate limits	*975
Upstream side of Kenyon Road bridge	*997
Approximately 0.74 mile downstream of most upstream crossing of State Route 26	*1,009
Upstream side of State Route 26	*1,035
Approximately 1.5 miles upstream of most upstream crossing of State Route 26	*1,146
Approximately 3.0 miles upstream of most upstream crossing of State Route 26	*1,253
Tributary A to East Branch Nanticoke Creek:	
At confluence with East Branch Nanticoke Creek	*994
Approximately 0.28 mile upstream of confluence with East Branch Nanticoke Creek	*1,038
Approximately 100' downstream of Leekville Road	*1,090
Tributary B to East Branch Nanticoke Creek:	
At confluence with East Branch Nanticoke Creek	*1,037
Approximately 0.26 mile upstream of confluence with East Branch Nanticoke Creek	*1,064
West Branch Nanticoke Creek:	
Downstream corporate limits	*1,050
Approximately .042 mile downstream of Cherry Valley Hill Road	*1,070
Upstream side of Cherry Valley Hill Road	*1,081
Upstream side of Phillips Road	*1,129
Approximately 0.58 mile upstream of Philips Road	*1,146
Maps available for inspection at the Nanticoke Town Hall, Maine, New York.	

Norwich (City), Chenango County (FEMA Docket No. 6648)

Chenango River:	
Confluence of Canasawacta Creek	*992
Approximately 100 feet upstream of Hale Street	*995
Approximately 100 feet upstream of State Route 23	*1,002
Approximately 100 feet west of CONRAIL at northern corporate limits	*1,006
Canasawacta Creek:	
Confluence with Chenango River	*992
Approximately 50 feet upstream of State Route 12	*996
Upstream side of West Main Street	*1,018
Upstream side of Pleasant Street	*1,028
Approximately 200 feet downstream of State Route 23	*1,037
Most upstream corporate limits	*1,045
Maps available for inspection at the City Hall, East Main Street, Norwich, New York.	

Nyack (Village), Rockland County (FEMA Docket No. 6645)

Hudson River: Entire shoreline within community	*8
Maps available for inspection at the Building Inspector's Office and the Clerk's Office, Village Hall, 12 North Broadway, Nyack, New York.	

Yorktown (Town), Westchester County (FEMA Docket No. 6640)

Shrub Oak Brook:	
At downstream corporate limits	*389
Upstream side of Taconic State Parkway	*423
Approximately 1,100 feet upstream of State Route 6	*426
Shrub Oak Brook Tributary 1:	
At confluence with Shrub Oak Brook	*421
Approximately 0.5 mile upstream of Old Yorktown Road	*426
Hallocks Mill Brook:	
At downstream corporate limits	*367
Downstream side of Hungry Horse Hollow Drive	*406
Upstream side of Ridge Street	*435
Approximately 0.5 mile upstream of State Route 202 & 35	*463
Hallocks Mill Brook Tributary 1:	
At confluence with Hallocks Mill Brook	*381
Upstream side of Highbrook Avenue	*408
At upstream corporate limits	*440

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Hallocks Mill Brook Tributary 2:	
At confluence with Hallocks Mill Brook	*422
Approximately 785 feet downstream of Granite Springs Road	*448
Approximately 715 feet upstream of Granite Springs Road	*473
Saw Mill Creek:	
At confluence with New Croton Reservoir	*199
Approximately 460 feet upstream of State Route 118	*237
Approximately 0.4 mile upstream of State Route 118	*310
Approximately 1,200 feet downstream of Locke Avenue	*343
Approximately 125 feet upstream of Locke Avenue	*390
Maps available for inspection at the Town Engineer's Office, Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.	
Warwick (Town), Orange County (FEMA Docket No. 6640)	
Longhouse Creek:	
Approximately .37 mile downstream of Buttermilk Falls Road	*746
Upstream of Buttermilk Falls Road	*771
Approximately .33 mile upstream of Buttermilk Falls Road	*883
Upstream side of Cascade Lake Road	*933
Downstream side of Cascade Lake Dam	*1,038
Upstream side of Cascade Lake Dam	*1,053
Upstream corporate limits	*1,066
Pochuck Creek:	
At Glenwood Road	*389
Upstream side of Newport Road	*391
Approximately .69 mile upstream of Newport Road	*392
Upstream corporate limits	*393
Stony Creek:	
At confluence with Wheeler Creek	*415
Upstream side of dam	*429
Upstream side of Union Corners Road	*457
Approximately .71 mile upstream of Union Corners Road	*474
Trout Brook:	
At downstream corporate limits	*641
Upstream side of Lower Middle School Road	*685
Upstream side of Oak Hill Road	*732
Approximately .54 mile upstream of Oak Hill Road	*864
Wawayanda Creek:	
Downstream corporate limits	*417
Upstream side of Ryerson Road	*431
Upstream side of Covered Bridge Road	*459
Approximately .86 mile upstream of Covered Bridge Road	*473
Upstream side of Bairds Road	*485
Upstream side of Sandfordville Road	*502
Upstream side of Pelton Road	*505
Most downstream corporate limits of Village of Warwick	*507
Most upstream corporate limits of Village of Warwick	*521
Upstream side of Wisner Road	*522
At Old State Street	*523
Approximately 300' upstream of upstream corporate limits	*525
Wawayanda Creek Diversion Channel:	
At confluence with Wawayanda Creek	*522
Upstream side of State School Road	*523
At confluence of Wickham Lake	*523
Wheeler Creek:	
At confluence with Quaker Creek	*387
Approximately .56 mile upstream of confluence with Quaker Creek	*390
Approximately .41 mile downstream of wheeler Road	*398
Upstream side of Wheeler Road	*406
At confluence of Stony Creek	*415
Wallkill River:	
At confluence of Rutgars Creek	*387
Upstream corporate limits	*390
Quaker Creek:	
Approximately .30 mile downstream of Pulaski Highway	*384
At confluence of Wheeler Creek	*387
Approximately 570 feet upstream of corporate limits	*389
Black Meadow Creek:	
Approximately .25 mile downstream of corporate limits	*480
Approximately 520' upstream of corporate limits	*481
Browns Creek:	
Approximately 400' downstream of corporate limits	*447
Approximately 750' upstream of corporate limits	*449
Greenwood Lake:	
Entire shoreline within community	*622
Maps available for inspection at the Warwick Town Hall, Warwick, New York.	
NORTH CAROLINA	
Bayboro (Town), Pamlico County (FEMA Docket No. 6648)	
Atlantic Ocean/Pamlico Sound/Bay River: Within community	*8
North Prong Bay River: Within community	*8
South Prong Bay River: Within community	*8
Maps available for inspection at the Pamlico County Courthouse, Bayboro, North Carolina.	
Bertie County (Unincorporated Areas), (FEMA Docket No. 6648)	
Atlantic Ocean/Albemarle Sound/Chowan River: Along shoreline from the northern county boundary to about 0.8 mile downstream of the U.S. Highway 17 bridge	*8
Albemarle Sound/Batchelor Bay:	
At Black Walnut Point	*7
At Morgan Swamp	*8
Cashie River:	
About 1.7 miles downstream of SR 1301	*11
About 1.6 miles upstream of U.S. Highway 13	*15
About 2400 feet downstream of SR 1209	*80
About 2100 feet upstream of SR 1208	*95
Cashie River Tributary:	
About 1.6 miles downstream of NC 11	*49
Just downstream of NC 11	*60
Just upstream of NC 11	*65
Just upstream of SR 1201	*71
Cashie Swamp:	
Just downstream of SR 1204	*72
Just upstream of NC 308	*80
Chiska Creek:	
At confluence with Cashie River	*15
Just upstream of SR 225	*20
About 0.5 mile upstream of NC 308	*48
Cricket Swamp:	
At confluence with Salmon Creek	*13
Just upstream of NC 45	*14
Eastmost Swamp:	
At confluence with Salmon Creek	*13
Just downstream of SR 1354	*44
Eastmost Swamp Tributary No. 1:	
At confluence with Eastmost Swamp	*30
Just upstream of SR 1355	*36
Eastmost Swamp Tributary No. 2:	
At confluence with Eastmost Swamp	*33
Just upstream of NC 45	*42
Eastmost Swamp Tributary No. 3:	
At confluence with Eastmost Swamp	*36
Just downstream of SR 1354	*45
Jacks Branch:	
About 2500 feet downstream of SR 1120	*54
Just downstream of NC 11	*70
Salmon Creek:	
At confluence with Chowan River	*7
At confluence of Cricket Swamp	*13
Unnamed Tributary No. 1:	
At confluence with Salmon Creek	*9
Just downstream of NC 45	*11
Just upstream of U.S. Highway 17	*22
Unnamed Tributary No. 2:	
At confluence with Unnamed Tributary No. 1	*22
Just upstream of U.S. Highway 17	*36
Maps available for inspection at the County Courthouse, Dundee Street, Windsor, North Carolina.	
Unincorporated Areas of Camden County (FEMA Docket No. 6648)	
Albemarle Sound: Along shoreline from about 2 miles south of Miles Point to Camden Point	*7
Intracoastal Waterway:	
Along shoreline of Indiantown Creek from SR 1147 to U.S. Highway 158	*6
Along Crooked Creek shoreline from the mouth of SR 1107	*7
Along shoreline from Camdem Point to confluence of Crooked Creek	*7
Pasquotank River:	
Along shoreline from about 1.2 miles upstream of SR 1205 to about 0.3 mile west of intersection of Whitehall Road and Holly Drive	*6
Along Sawyers Creek downstream of SR 1203	*6
About 0.2 mile west of intersection of NC 343 and SR 1138	*6
Along phoreline from about 1.0 mile upstream of Treasure Point to about 2.0 miles south of Miles Point	*7
Along Areneuse Creek from mouth to NC 343	*7
At confluence of Raymond Creek	*7
Along Portohonk downstream of SR 1148	*7
Maps available for inspection at the County Courthouse, Camdem, North Carolina.	
Holden Beach (Town), Brunswick County (FEMA Docket No. 6648)	
Atlantic Ocean:	
Along southern shoreline of Intracoastal Waterway from Boyd Street to Halstead Street	*13
Along shorelina from western corporate limits to Scotch Bonnet Drive	*20
Maps available for inspection at the Town Hall, Holden Beach, North Carolina.	
Long Beach (Town), Brunswick County (FEMA Docket No. 6648)	
Atlantic Ocean:	
About 300 feet south of Ocean Highway from eastern corporate limits to 25th Street West	*12
Along Yacht Drive from eastern corporate limits to 27th Street West	*12
At confluence of Elizabeth River with Intracoastal Waterway	*14
Along shoreline	*19
Maps available for inspection at the Town Hall, Long Beach, North Carolina	
Manteo (Town), Dare County (FEMA Docket No. 6648)	
Roanoke Sound:	
Along Corporate Carolina Limits west of Virginia Dare Road	*9
Along Ananias Dare Street about 1600 feet from the intersection with Queen Elizabeth Avenue	*10
Maps available for inspection at the Town Hall, Manteo, North Carolina	
Ocean Isle Beach (Town), Brunswick County (FEMA Docket No. 6648)	
Atlantic Ocean:	
At north end of NC 904 bridge over Intracoastal Waterway	*13
At intersection of Craven and Concord Streets	*13
Along southern shoreline of Intracoastal Waterway north of Shallotte Sound	*15
Along shoreline	*20
Maps available for inspection at the Town Hall, Ocean Isle Beach, North Carolina.	
Oriental (Town), Pamlico County (FEMA Docket No. 6648)	
Atlantic Ocean/Pamlico Sound/Neuse River: Within extraterritorial limits	*8
Morris Creek: Within extratamtorial limits	*8
Maps available for inspection at the Pamlico County Courthouse, Bayboro, North Carolina.	

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Pasquotank County (Unincorporated Areas), (FEMA Docket No. 6648)	
Little River:	
Just downstream of SR 1197	*7
About 1.44 miles upstream from U.S. Highway 17	*10
Atlantic Ocean/Albemarle Sound/Little River:	
At the intersection of SR 1115 and SR 1116	*5
At Hobbs Landing	*5
At mouth of Halls Creek	*7
Atlantic Ocean/Knobbs Creek: Just downstream of SR 1332 bridge over Knobbs Creek	*7
Atlantic Ocean/Albemarle Sound/Pasquotank River:	
Entire shoreline of Goat Island	*6
At the intersection of SR 1101 and SR 1116	*6
At mouth of Bettys Creek	*6
At the intersection of SR 1203 and SR 1204	*7
Maps available for inspection at the County Courthouse, Elizabeth City, North Carolina.	
Southport (City), Brunswick County (FEMA Docket No. 6645)	
Intracoastal Waterway/Cape Fear River:	
Just downstream of SR 1528 bridge over Prices Creek	*10
At confluence of Dutchman Creek	*14
Bonnetts Creek:	
Just upstream of Brown Street	*10
About 950 feet upstream of Brown Street	*11
Bonnetts Creek Tributary:	
At confluence with Bonnetts Creek	*11
Just upstream of Leonard Street	*19
Maps available for inspection at the Town Hall, Southport, North Carolina.	
Sunset Beach (Town), Brunswick County (FEMA Docket No. 6648)	
Atlantic Ocean:	
At intersection of Sunset Boulevard and Main Street	*13
At intersection of Canal Avenue and Shore Line Drive	*13
Along Calabash River shoreline from NC 179 to about 1.75 miles upstream	*13
At south end of Sunset Boulevard bridge over Intracoastal Waterway	*15
Along shoreline	*20
Maps available for inspection at the Town Hall, Sunset Beach, North Carolina.	
Stonewall (Town) Pamlico County, (FEMA Docket No. 6648)	
Atlantic Ocean/Pamlico Sound/Bay River/South Prong Bay River: Along shoreline of Bay River from about 0.9 mile upstream of confluence with Trent Creek to western corporate limits	*8
Atlantic Ocean/Pamlico Sound/Bay River/Trent Creek: Along shoreline of Trent Creek and Alligator Creek	*7
Maps available for inspection at the Pamlico County Courthouse, Bayboro, North Carolina.	
Vandemere (Town), Pamlico County (FEMA Docket No. 6648)	
Atlantic Ocean/Pamlico Sound/Bay River: Within community	*8
Maps available for inspection at the Pamlico County Courthouse, Bayboro, North Carolina.	
Yaupon Beach (Town), Brunswick County (FEMA Docket No. 6648)	
Atlantic Ocean:	
At the intersection of Norton Street and Ocean Drive	*12
At the intersection of NC 133 and Oak Island Drive	*12
At the intersection of NC 133 and northern corporate limits	*14
Along shoreline	*19
Maps available for inspection at the Town, Hall, Yaupon Beach, North Carolina.	
NORTH DAKOTA	
Harwood (Township), Cass County (FEMA-6648)	
Sheyenne River: 100 feet upstream of the centerline of Interstate Highway 29	*692
Maps available for inspection at Township Hall, Route 1, Harwood, North Dakota.	
Reed (Township), Cass County (FEMA Docket No. 6648)	
Sheyenne River: 100 feet upstream of the centerline of County Highway 17	*895
County Drain 21: At the confluence with Sheyenne River	*898
Maps available for inspection at Township Hall, Rural Route 2, Fargo, North Dakota.	
OHIO	
Carey (V), Wyandot County (FEMA Docket No. 6645)	
Spring Run:	
At confluence of Dry Run	*810
Just upstream of Conrail (upstream crossing)	*826
Dry Run:	
Just upstream of East Findlay Street	*810
About 1700 feet upstream of East Findlay Street	*814
Brown Ditch:	
At confluence with Spring Run	*815
About 1475 feet upstream of North Vance Street	*819
Shallow Flooding: Near crossing of Conrail and East North Street	#1
Maps available for inspection at the Municipal Building, 127 North Vance Street, Carey, Ohio.	
Springfield (City), Clark County, (FEMA Docket No. 6648)	
Mad River:	
At confluence of Mill Creek	*903
About 0.52 mile upstream of U.S. Route 68	*909
Buck Creek:	
At mouth	*906
About 0.55 mile upstream of Belmont Avenue	*954
Maps available for inspection at the City Building, 76 East High Street, Springfield, Ohio.	
OREGON	
Cottage Grove (City), Lane County (FEMA Docket No. 6645)	
Coast Fork Willamette River: 120 feet upstream from the center of State Highway 99	*631
Row River: 1350 feet northeast of the intersection of Davidson Avenue and Row River Cutoff Road	*641
Silk Creek: 100 feet west along Anthony Avenue from its intersection with M Street	*645
Maps available for inspection at the Planning Department, 400 Main, Cottage Grove, Oregon.	
Gold Beach (City), Curry County (FEMA Docket No. 6640)	
Rogue River: 50 feet upstream from the center of U.S. Highway 101	*20
Maps available for inspection at City Hall, 510 South Elmsburg Avenue, Gold Beach, Oregon 97444.	
PENNSYLVANIA	
North Bethlehem (Township), Washington County (FEMA Docket No. 6640)	
Little Chartiers Creek:	
Approximately 1,700' downstream of Simmons Road	*1,026
Upstream side of State Route 477	*1,056
At U.S. Route 40	*1,078
Maps available for inspection at the residence of Henrietta Goodwin, Township Secretary, Scenery Hill, Pennsylvania.	
Waynesboro (Borough), Franklin County (FEMA Docket No. 6645)	
West Branch Antietam Creek:	
Approximately 225' downstream of most downstream corporate limits	*600
At upstream side of West Main Street	*608
Approximately 100' upstream of most upstream corporate limits	*612
East Branch Antietam Creek:	
At downstream side of South Welty Road	*599
At upstream corporate limits	*603
Approximately 1,275' upstream of upstream corporate limits	*608
Red Run:	
At confluence with East Branch Antietam Creek	*599
At upstream side of Baer Road	*607
Approximately 800' upstream of Baer Road	*610
Maps available for inspection at the Municipal Building, 57 East Main Street, Waynesboro, Pennsylvania.	
TERRITORY OF GUAM	
(FEMA Docket No. 6649)	
Harmon Sink: Intersection of Marine Drive (Route 1) and Simon Sanchez Street	*93
Tgamuning Drainageway: Intersection of the stream and the center of Serenu Avenue	*8
Agana River:	
Intersection of the stream and the center of the Marine Drive (Route 1)	*11
Center of West Soledad Avenue, 150 feet west of its intersection with Aspinall Avenue	*10
Fonte River: 100 feet upstream from the center of Marine Drive (Route 1)	*12
Asan River: Intersection of the stream and the center of Asan Ocean View Drive (Route 1)	*14
Catacag River: 520 feet upstream from the center of the Ramona Street	*14
Taguig River: 330 feet upstream from the center of Marine Drive (Route 1)	*9
Masso River:	
Intersection of the stream and the center of Assumption Drive	*16
Center of Marian Peling Street, 140 feet east of its intersection with Tuncap Street	*9
Togcha River:	
Intersection of the stream and the center of Marine Drive (Route 2)	*12
Center of North Perino Street, 800 feet north of its intersection with Chalan Obispo Olano	*9
Salinas River: Intersection of the stream and the center of Marine Drive (Route 2)	*11
Finile Creek: 500 feet upstream from the center of Marine Drive (Route 2)	*11
Gaan River: 50 feet upstream from the center of Marine Drive (Route 2)	*11
Auau Creek: 1050 feet upstream from the center of Marine Drive (Route 2)	*11
Chaligan Creek: 430 feet upstream from the center of Marine Drive (Route 2)	*10
Talayfac River: 30 feet upstream from the center of Marine Dirve (Route 2)	*11
Umatac River: 40 feet upstream from the center of South San Dimiso Drive (Route 4)	*10
Madog River: 30 feet upstream from the confluence with Laelae River and Umatac River	*18
Laelae River: 460 feet upstream from the confluence with Umatac River and Madog River	*20
Geus River: 25 feet downstream from the center of Espinosa Avenue	*50
Manell River: 50 feet northeast along Joutan Lane from the intersection of Joutan Lane and Chalan Canton Tasi (Route 4)	#2
Unnamed Stream 1M: 520 feet upstream from the center of Chalan Canton Tasi (Route 4)	*8
Unnamed Stream 2M: 850 feet upstream from the center of Chalan Canton Tasi (Route 4)	*8
Inarajan River: 900 feet upstream from the center of Pale Duenas Street (Route 4)	*9
Agana Bay: Intersection of Tan Marian Cotta Loop and Tranklo Street	*8
Asan Bay: 130 feet north of the intersection of Asan Ocean View Drive and Ramona Street	*10
Piti Bay: Intersection of Marine Drive (Route 1) and J. Sn. Quenga Street	*10

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Agat Bay: Intersection of Marine Drive (Route 2) and Umang Road	*11
Umatac Bay: 150 feet downstream from the center of South San Dimisio Drive	*10
Cocos Lagoon: Intersection of Chalan Canton Tesi (Route 4) and Quinene Road	*8
Inarajan Bay: Intersection of Belen Avenue and Famasayan Street	*9
Maps available for inspection at Department of Civil Defense, Emergency Services Office, Aguana, Guam.	
TEXAS	
Azle (City), Tarrant County (FEMA Docket No. 6640)	
Ash Creek:	
At confluence with Eagle Mountain Lake	*657
Upstream of State Route 199	*681
Upstream of FM 1707	*702
Westline Road (extended)	*706
Paschal Branch:	
At confluence with Ash Creek	*661
Upstream side of State Route 199	*675
At corporate limits	*680
Reynolds Branch:	
At confluence with Ash Creek	*681
At corporate limits just upstream of Silvercreek-Azle Road	*688
Walnut Creek:	
At confluence with Eagle Mountain Lake	*657
At corporate limits just upstream of FM 730	*667
Approximately 700' upstream of FM 730	*668
Eagle Mountain Lake: The entire shoreline within community	*657
Maps available for inspection at Azle City Hall, Azle, Texas.	
Baytown (City), Harris & Chambers Counties (FEMA Docket No. 6645)	
Cedar Bayou (Q100-00-00):	
At confluence with Galveston Bay (F200-00-00)	*12
Approximately 2,000' downstream of State Route 146	*14
At upstream corporate limits	*16
Cary Bayou (Q112-00-00):	
At confluence with Cedar Bayou (Q100-00-00)	*15
At furthest upstream corporate limits	*20
Goose Creek (Q100-00-00):	
At confluence with San Jacinto River (G103-00-00)	*12
At confluence of East Fork Goose Creek (Q105-00-00)	*13
Approximately 200' upstream of Baker Road	*21
At upstream corporate limits approximately 1,400' south of Interstate Route 10	*28
East Fork Goose Creek (Q105-00-00):	
At confluence with Goose Creek	*13
Downstream side of Baker Road	*16
Approximately 150' upstream of Lynchburg-Cedar Bayou Road	*25
Approximately 2,300' upstream of Lynchburg-Cedar Bayou Road	*28
Spring Gully (Q200-00-00):	
At confluence with San Jacinto River (G103-00-00)	*12
Downstream side of Interstate Route 10	*15
At upstream corporate limits	*31
Pine Gully (Q101-00-00):	
At confluence with Cedar Bayou (Q100-00-00)	*12
Approximately 1 mile upstream of Tri-Cities Beach Road	*12
Burnett Bay:	
At confluence of Spring Gully	*15
Southern side of Shreck Avenue at intersection with Bayshore Drive	*16
Crystal Bay:	
Shoreline at West Bayshore Drive (extended)	*16
Southern side of Crow Avenue—approximately 250' east of intersection with Bayshore Drive	*16
Scott Bay:	
Shoreline on southeast side of Mapleton Avenue	*16
Shoreline on southwest side of Bayway Drive approximately 1,500' southeast of intersection with Park Drive	*15
San Jacinto River:	
Shoreline at Oklahoma Avenue (extended)	*15
At confluence of Goose Creek (Q100-00-00)	*15
Approximately 125' northeast of intersection of State Routes 146 and 201	*12
Black Duck Bay:	
Shoreline at intersection of Maryland and Missouri Streets	*15
Approximately 110' southwest of intersection of Missouri Street and State Route 201	*12
Tabbs Bay:	
Shoreline at confluence with Goose Creek	*15
Approximately 625' west of Lee Drive (extended)	*13
Galveston Bay:	
Shoreline at Cedar Bayou Lake Drive (extended)	*19
At confluence of Cedar Bayou	*12
Maps available for inspection at the City Hall, Baytown, Texas.	
Haslet (City), Tarrant County (FEMA Docket No. 6640)	
Buffalo Creek:	
At downstream corporate limits	*657
Approximately 1,850 feet upstream of upstream corporate limits	*661
Henrietta Creek:	
At downstream corporate limits	*657
At upstream side of Harmon Road	*665
Approximately .45 mile upstream of Harmon Road	*670
Approximately .47 mile downstream of upstream corporate limits	*677
At upstream corporate limits	*685
Approximately 1,100 feet upstream of upstream corporate limits	*693
Stream HEN-1:	
At confluence with Henrietta Creek	*656
At corporate limits	*667
Stream HEN-2:	
At confluence with Henrietta Creek	*684
At upstream side of Keller-Haslet Road	*690
Approximately 600 feet upstream of upstream corporate limits	*703
Stream HEN-2A:	
At confluence with Stream HEN-2	*700
At upstream side of Avondale-Haslet Road	*703
Approximately .64 mile upstream of Avondale-Haslet Road	*720
At upstream corporate limits	*734
Maps available for inspection at the Haslet City Hall, First and Main Streets, Haslet, Texas.	
Hurst (City), Tarrant County (FEMA Docket No. 6640)	
Little Bear Creek:	
Approximately 550' below downstream corporate limits	*597
At downstream corporate limits	*598
At upstream corporate limits	*612
Calloway Branch:	
At downstream corporate limits	*513
At upstream side of State Route 10	*518
At upstream side of Arcadia Street	*540
At upstream corporate limits	*549
Walker Branch:	
At downstream corporate limits	*513
At upstream side of State Route 10	*518
At upstream side of Redbud Drive	*532
At upstream side of Cheryl Avenue	*549
Approximately 100' upstream of upstream corporate limits	*567
Loreen Branch:	
At downstream corporate limits	*503
At upstream side of Hurstview Drive (downstream crossing)	*520
At upstream side of Hurstview Drive (upstream crossing)	*540
At upstream side of Bedford-Euless Road	*558
At upstream side of Harwood Road	*574
Approximately 200' downstream of Grapevine Highway	*587
Sulphur Branch:	
Approximately 125' downstream of downstream corporate limits	*461
At upstream side of State Route 10	*489
Approximately 250' upstream of upstream corporate limits	*494
Valley View Branch:	
At downstream corporate limits	*502
At upstream side of Oak Drive	*534
At upstream side of Cheryl Avenue	*550
At upstream side of Pleasant View Drive	*577
At upstream corporate limits	*581
Stream WVB-1:	
At confluence with Valley View Branch	*587
Downstream side of Harwood Road	*594
Walker Branch: At upstream corporate limits near Interstate Route 820	#2
Valley View Branch: Along Norwood Drive near State Route 121	#
Maps available for inspection at the Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas.	
La Porte (City), Harris County (FEMA Docket No. 6645)	
Galveston Bay (F200-00-00): Entire shoreline within community	*17
San Jacinto River (G103-00-00):	
Corporate limits located approximately 400' northeast of Marker Drive and corporate limits in northern section of community	*12
Shoreline of Upper San Jacinto Bay within community	*15
Shoreline of Lower San Jacinto Bay within community	*13
Taylors Bayou (A104-00-00):	
At corporate limits	*11
Approximately .53 mile upstream of corporate limits	*11
Big Island Slough (B106-00-00):	
Downstream corporate limits	*16
Upstream side of Fairmont Parkway	*18
Upstream side of Spencer Highway	*20
At North P Street	*23
Willow Springs Bayou (B112-00-00):	
Downstream corporate limits	*21
Upstream corporate limits	*23
Tributary 1.78 to Willow Springs Bayou (B112-02-00):	
Confluence with Willow Springs Bayou (B112-00-00)	*23
At Corporate limits	*25
Little Cedar Bayou:	
At Old State Route 146	*13
Downstream side of Fairmount Parkway	*15
Approximately 900 feet upstream of East Main Street	*20
Upstream side of Southern Pacific Railroad	*21
Maps available for inspection at the Building Official's Office, Fairmont Parkway, La Porte, Texas.	
North Richland Hills (City), Tarrant County (FEMA Docket No. 6645)	
Big Fossil Creek:	
Downstream side of Broadway Avenue	*512
At Onyx Drive North (Extended)	*523
At downstream side of St. Louis—Southwestern Railroad	*540
Stream BF-6:	
At downstream corporate limits	*524
Approximately 150' upstream corporate limits, at limit of flooding affecting community	*549
Stream BF-7:	
At confluence with Big Fossil Creek	*535
Approximately 1,130' upstream confluence with Big Fossil Creek	*536
Calloway Branch:	
Approximately 375' downstream of corporate limits at Glenview Drive, at limit of flooding affecting community	*555
At upstream side of Interstate Route 820	*562
At upstream side of Holiday Lane	*602
At upstream side of Chapman Drive	*625
Approximately 50' downstream of Starnes Road	*658
Stream CB-1:	
AT Confluence with Calloway Branch	*603
Approximately 250' upstream of Hewitt Street	*656
Sheet Flow Area: North of Bogart Drive	*#

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream CB-1 Diversion:	
At confluence with Calloway Branch	*608
At confluence with Stream CB-1	*613
Stream CB-2:	
At confluence with Calloway Branch	*617
Upstream side of Hightower Drive	*646
Approximately 100' downstream of Starnes Road	*670
Little Bear Creek:	
Corporate limits at Precinct Line Road	*612
At upstream side of Davis Boulevard	*633
At upstream corporate limits	*661
Stream LB-1:	
At confluence with Little Bear Creek	*622
At downstream side of Davis Boulevard	*648
Stream LB-2:	
At confluence with Little Bear Creek	*629
At downstream side of Shady Grove Road	*663
Mackey Creek:	
At downstream side of State Route 26	*533
At upstream side of Onysc Drive North	*556
At upstream side of Glenview Drive	*583
Approximately 100' downstream of Riviera Drive	*604
Mackey Creek, Diversion North:	
At confluence with Big Fossil Creek	*513
At confluence with Mackey Creek, Diversion South	*532
Mackey Creek, Diversion South:	
Approximately 540' downstream of downstream corporate limits, at limit of flooding affecting community	*513
At confluence with Mackey Creek	*539
Singing Hills Creek:	
Approximately 1,200' upstream of confluence with Big Fossil Creek, at limit of flooding affecting community	*541
At Old Mill Circle (Extended), at limit of flooding affecting community	*581
Walker Branch:	
At State Routes 121/183, at limit of flooding affecting community	*567
At upstream side of Cardinal Lane	*609
Approximately 150' downstream of Hightower Drive	*636
Stream WKB-1:	
At confluence with Walker Branch	*607
At upstream side of Cardinal Lane	*623
Maps available for inspection at the City Hall, 7301 Northeast Loop 820, North Richland Hills, Texas.	
Olney (City), Young County (FEMA Docket No. 6645)	
Salt Creek:	
Approximately 800 feet upstream of confluence of Mud Creek	*1,174
Upstream side of State Route 119	*1,179
Approximately 400 feet upstream of Avenue C	*1,187
Mud Creek:	
Corporate limits located just downstream of State Route 79	*1,175
Approximately 150 feet upstream of Spring Creek Road	*1,187
Approximately 800 feet upstream of most upstream corporate limits	*1,196
Maps available for inspection at City Hall, 201 East Main Street, Olney, Texas.	
Springtown (City), Parker and Wise Counties (FEMA Docket No. 6649)	
Dry Branch:	
At downstream corporate limits	*843
At upstream corporate limits	*844
Walnut Creek:	
At downstream corporate limits	*824
At confluence of Browders Creek	*828
Approximately 100 feet upstream of FM 51	*853
Approximately 550 feet upstream of upstream corporate limits	*878
Browders Creek:	
At confluence with Walnut Creek	*828
Approximately 100 feet upstream of State Route 199	*849
Approximately 50 feet upstream of FM 1542	*866
Approximately 1,000 feet upstream of State Route 51	*877
Stream WCI SP)-1:	
At confluence with Walnut Creek	*853
At corporate limits	*859
Maps available for inspection at City Hall, Springtown, Texas.	
VERMONT	
Brattleboro (City), Windham County (FEMA Docket No. 6648)	
Connecticut River:	
At downstream corporate limits	*229
At upstream corporate limits	*239
West River:	
At confluence with Connecticut River	*236
Approximately 1 mile upstream of Interstate Route 91	*240
At upstream corporate limits	*259
Whetstone Brook:	
At confluence with Connecticut River	*233
Approximately 200' upstream of Elm Street	*264
Approximately 300' upstream of Interstate Route 91 (south)	*340
Upstream side of Guilford Street	*410
Upstream side of George F. Miller Drive	*443
Upstream side of Country Drive	*505
Approximately 100' upstream of Sunset Lake Road	*544
Ames Hill Brook:	
At confluence with Whetstone Brook	*454
Approximately 120' upstream of State Route 9	*467
Upstream side of Abbott Road	*598
Upstream side of Hinesburg Road	*641
Approximately 75' upstream of Ames Road (most upstream crossing)	*710
Maps available for inspection at the office of Christine Hart, Brattleboro Town Planner, Brattleboro, Vermont.	
VIRGINIA	
Dayton (Town), Rockingham County (FEMA Docket No. 6625)	
Cooks Creek:	
At downstream corporate limits	*1,202
Approximately 200 feet upstream of State Route 701 (second crossing)	*1,208
At northwest corporate limits	*1,221
Sunset Heights Branch:	
At confluence of Cooks Creek	*1,203
Approximately 240 feet upstream corporate limits	*1,208
Maps available for inspection at the Dayton Municipal Building, Dayton, Virginia.	
WEST VIRGINIA	
Bancroft (Town), Putnam County (FEMA Docket No. 6648)	
Kanawha River: Entire shoreline within community	*582
Maps available for inspection at the Town Hall, Bancroft, West Virginia.	
Buffalo (Town), Putnam County (FEMA Docket No. 6648)	
Kanawha River:	
At downstream corporate limits	*573
At upstream corporate limits	*574
Cross Creek:	
At confluence with Kanawha River	*573
At upstream corporate limits	*573
Maps available for inspection at the Town Hall, Buffalo, West Virginia.	
Poca (Town), Putnam County (FEMA Docket No. 6648)	
Kanawha River:	
At downstream corporate limits	*583
At upstream corporate limits	*584
Pocatalico River:	
At confluence with Kanawha River	*583
At upstream corporate limits	*583
Maps available for inspection at the Town Hall, Poca, West Virginia.	
Winfield (Town), Putnam County (FEMA Docket No. 6658)	
Kanawha River:	
At downstream corporate limits	*579
At upstream corporate limits	*580
Maps available for inspection at the Town Hall, Winfield, West Virginia.	
WISCONSIN	
Dallas (Village), Barron County (FEMA Docket No. 6648)	
Upper Pine Creek:	
About 700 feet downstream of confluence of Bass Creek	*1,046
Just downstream of Mill Dam	*1,048
Just upstream of Mill Dam	*1,055
About 4,000 feet upstream of Dallas Street	*1,056
Bass Creek:	
At mouth	*1,047
At divergence from Upper Pine Creek	*1,055
East Branch Upper Pine Creek:	
At confluence with Upper Pine Creek	*1,055
About 1,050 feet downstream from 3rd Avenue	*1,056
Maps available for inspection at the Village President's office, Village Hall, Dallas Street, Dallas, Wisconsin.	
Shawano County (Unincorporated Areas), (FEMA Docket No. 6648)	
Oconto River:	
At downstream county boundary	*757
At upstream county boundary	*774
Pensaukee River:	
At county boundary	*773
Just downstream of Nichols Drive	*784
Wolf River:	
Just upstream of County Highway CCC	*791
Just downstream of Shawano Dam	*798
Just upstream of Shawano Dam	*804
Just downstream of Upper Shawano Dam	*810
Just upstream of Upper Shawano Dam	*821
At upstream county boundary	*821
Red River:	
About 2.5 miles downstream of County Highway A	*830
Just downstream of Geider Road	*878
Just upstream of Weed Dam	*899
Just downstream of Morgan Road	*935
Duchess Creek:	
At mouth	*804
About 1.6 miles upstream of County Highway H	*817
Tributary to Duchess Creek:	
At mouth	*809
Just downstream of County Highway H	*812
East Unnamed Tributary to Shawano Lake:	
At mouth	*804
Just downstream of State Highway 22	*813
West Unnamed Tributary to Shawano Lake:	
At mouth	*804
Just downstream of Shady Lane	*811
Washington Lake: Entire shoreline	*804
Loon Lake: Entire shoreline	*806
Lulu Lake: Entire shoreline	*808
Shawano Creek-Shawano Lake: Within community	*804
Rose Brook:	
At mouth	*797
About 1.7 miles upstream of Rose Brook Road	*818
Shioc River:	
About 1300 feet downstream of County Highway W	*790
About 2200 feet upstream of County Highway W	*799
Middle Branch Embarrass River:	
Just upstream of Caroline Dam	*901
About 4.0 miles upstream of Caroline Dam	*932
South Branch Embarrass River:	
At mouth	*902
About 1700 feet upstream of County Highway M (near Caroline)	*905
About 3400 feet downstream of Lenz Road	*943
About 700 feet upstream of County Highway M (near Tigerton)	*956
North Branch Embarrass River:	
Just upstream of Grant Road	*853

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
About 4400 feet upstream of North Town Line Road	*900
Just upstream of County Highway D	*945
Just downstream of Tilleda Dam	*947
About 2900 feet upstream of Tilleda Dam	*960
About 3000 feet downstream of Regina Road	*1,100
North Branch Embarrass River:	
Just downstream of Regina Road	*1,114
Just upstream of Regina Road	*1,126
About 3000 feet upstream of Regina Road	*1,127
Embarrass River:	
At county boundary	*801
About 0.9 miles upstream of State Highway 22	*808
About 1200 feet downstream of County Highway D	*838
Just upstream of Stoney Hill Road	*847
About 2.6 miles upstream of Stoney Hill Road	*851
About 3800 feet downstream of County Highway G	*890
Just upstream of County Highway G	*895
South Branch Pigeon River:	
At county boundary	*933
About 0.6 miles upstream of Tauferner Road	*987
South Branch Pigeon River Tributary:	
At mouth	*957
About 0.9 mile upstream of Chicago and Northwestern Railroad (upstream crossing)	*983
Tributary to South Branch Pigeon River Tributary:	
At mouth	*958
Just downstream of Nero Dam	*997
Maps available for inspection at the Zoning Administrative Office, Shawano County Courthouse, 311 North Main Street, Shawano, Wisconsin 54166.	
Wilton (V), Monroe County (FEMA Docket No. 6645)	
Kickapoo River:	
About 0.4 mile downstream of South Water Street	*955
About 0.52 mile upstream of Walker Street	*979
Maps available for inspection at the Village President's Office, Village Hall, Main & Center, Wilton, Wisconsin.	

Issued: July 10, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-17405 Filed 7-23-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 20735; RM-1301, et al.]

Changes in the Rules Relating to Noncommercial, Educational FM Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: These corrections to the *Memorandum Opinion and Order* relating to noncommercial, educational FM broadcast stations are necessary because the original printing contained erroneous information.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kathryn S. Hosford, Mass Media Bureau, (202) 632-9660

Michael Lewis, Mass Media Bureau, (202) 632-9660

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

Erratum

In the matter of changes in the rules relating to noncommercial, educational FM Broadcast Stations; Docket No. 20735, RM-1301, RM-1974, RM-2655.

The *Memorandum Opinion and Order* in the above entitled proceeding (FCC 85-328, Mimeo 35929) adopted June 20, 1985, released June 27, 1985, published July 9, 1985 (50 FR 27954), IS CORRECTED as follows:

1. In paragraph 61 of the text, the Commission's action is changed from "effective up adoption" to "effective upon adoption"

2. In Appendix C, 47 CFR 73.525, Table B in paragraph (d)(1), the effective radiated powers (kW) for NCE-FM Channel 203 should changed from "2.9" to "3.1" and channel 214 should change from "46.7" to "46.8"

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-17519 Filed 7-23-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-32]

TV Broadcast Stations in Arecibo, PR et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF TV Channel *62 to San Juan, Puerto Rico, as a replacement for noncommercial educational UHF TV Channel *74, at the request of Fundacion E Educacion Cristiana, Inc.

EFFECTIVE DATE: August 16, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

The authority citation for Part 73 continues to read:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Memorandum Opinion and Order

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Arecibo, Cayey, *San Juan*, Utuado, Puerto Rico); MM Docket No. 84-32.

Adopted: June 26, 1985.

Released: July 10, 1985.

By the Chief, Policy and Rules Division.

1. By a *Report and Order*, 50 FR 1227, published January 10, 1985, the Commission, on its own motion, amended the Table of Television Assignments for Puerto Rico to reflect the reallocation of the spectrum between 806 and 947 MHz (Channels 70-83) for land mobile use. Since no party stated an interest in applying for Channel *62, which would have been assigned as a replacement for noncommercial educational Channel *74 at San Juan, the *Report and Order* deleted the channel without assigning a substitute channel.

2. On January 28, 1985, the Fundacion E Educacion Cristiana, Inc. ("petitioner") filed a petition for reconsideration requesting that Channel *62 be assigned to San Juan, stating that it would apply for the channel. Channel *62 can be assigned to San Juan, in compliance with a site restriction of 21.6 miles east to avoid a short-spacing to a construction permit issued to Station WUSA, Channel 58 at Caguas, Puerto Rico.[1]

3. In view of the interest expressed, we believe the public interest would be served by assigning Channel *62 to San Juan as it could provide that community with its second noncommercial educational service. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective August 16, 1985, the Television Table of Assignments, § 73.606(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
San Juan, PR	2+, 4-, *6+, 18, 24, 30, and *62.

[1] The Association of Maximum Service Telecasters, Inc. filed comments pointing out that the site restriction of 15 miles east for Channel *62 at San Juan, as stated in the *Notice*, was insufficient.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-17520 Filed 7-23-85; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1104, 1105, 1151, 1152, 1155, 1160, and 1180

[Ex Parte No. 449]

Filing of Pleadings and Applications

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 48 FR 34474, July 29, 1983, the Commission published rules reflecting centralization of certain functions and responsibility of the Office of the Secretary for the receipt and docketing of all formal applications, petitions and subsequent pleadings filed in such proceedings. That notice contained an omission, which this notice corrects.

FOR FURTHER INFORMATION CONTACT: Kathleen M. King (202) 275-7428.

SUPPLEMENTARY INFORMATION: The amendatory instructions in the notice appearing at 48 FR 34474 are corrected by adding an additional instruction (15) to follow instruction (14) appearing on page 34476 to read as follows:

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

§ 1180.25 [Amended]

(15) Paragraph (f)(2) of § 1180.25 is amended by removing footnote 3.

James H. Bayne,

Secretary.

[FR Doc. 85-17558 Filed 7-23-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Experimental Population Status for Certain Introduced Populations of Colorado Squawfish and Woundfin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final Rule.

SUMMARY: The U.S. Fish and Wildlife Service will introduce Colorado squawfish (*Ptychocheilus lucius*) and woundfin (*Plagopterus argentissimus*) into the Gila River drainage in Arizona and determine these populations to be "nonessential experimental" populations according to section 10(j) of the Endangered Species Act of 1973. Section 10(j) of that Act authorizes "experimental" populations of endangered species to be treated as if they were threatened.

The Service has much more discretion in devising a management program for threatened species than for endangered species, especially on matters regarding regulated taking. Accordingly, a special rule to allow take in accordance with State and Tribal law is established for these nonessential experimental populations. In addition, section 10(j) authorizes such experimental populations to be determined to be "nonessential" to the survival of the species; a nonessential experimental population is not subject to the protection of 7(a)(2) of the Act, but instead is treated under section 7 as a species proposed for listing. In the past, these fishes were widespread in the State of Arizona where they occurred in several river drainages. This action is being taken in an effort to reestablish populations of Colorado squawfish and woundfin within their historic range.

DATES: The effective date of this rule is August 23, 1985.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Avenue, SW., P.O. Box 1306, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Mr. Conrad Fjetland, Assistant Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico 87103 (505/766-2323 or FTS 474-2323) or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act Amendments of 1982, Pub. L. No. 97-304, became law on October 13, 1982. Among the significant changes made by the 1982 Amendments was the creation of a new Section 10(j) which established procedures for the designation of specific populations of listed species as "experimental populations." Regulations implementing the experimental population provisions were published on August 27, 1984 (49 FR 33885). Under authorities in the Endangered Species Act (ESA) previous to the 1982 Amendments, the Service was permitted to translocate populations into unoccupied portions of a listed species' historic range when it would foster the conservation and recovery of the species. Local opposition to translocation efforts, however, severely handicapped the effectiveness of translocation as a management tool. This opposition stemmed from concerns regarding the restrictions and prohibitions on private and Federal activities affecting endangered species under sections 7 and 9 of the Act. Under section 10(j) of the 1982 Amendments, past and future translocated populations established outside the current range, but within the species' historic range, may now be designated at the discretion of the Service as "experimental." Such a designation will increase the Service's flexibility to manage these translocated populations because the Amendments provide that such experimental populations of species which are otherwise listed as endangered may be treated as threatened. The Service has much more discretion in devising management programs for threatened species than for endangered species, especially on matters regarding regulated taking. Moreover, experimental populations found to be "nonessental" to the continued existence of the species in question would not be afforded protection under section 7(a)(2) of the Act, which requires Federal agencies to refrain from activities which are likely to jeopardize the continued existence of a listed species or adversely modify its critical habitat. The individual organisms comprising the designated experimental population will be removed from an existing source or donor population only after it has been determined that their removal itself will not violate section 7(a)(2) of the ESA and complies with the permit requirements in section 10(a)(1)(A) and (d). The two species of fishes included in this determination are Colorado squawfish (*Ptychocheilus*

lucius) and woundfin (*Plagopterus argentissimus*), both of which are currently listed as endangered. Donor populations for both species will come from stocks at Dexter National Fish Hatchery, and their use has been addressed under the permit and section 7 consultation for the hatchery. Dexter NFH has already demonstrated the ability to produce sufficient squawfish for the reintroduction effort, but has been less successful with woundfin production. If the Service is unable to produce the required numbers of woundfin artificially, additional adult woundfin will be gathered from the Virgin River as discussed in the Woundfin Recovery Plan. A section 7 consultation on the possible removal from the wild was completed on March 5, 1985. The biological opinion found that such removal will not jeopardize the species if the fish are removed from the intermittent stream area immediately below the Washington and Mesquite water diversions. Woundfin below these diversions become stranded and die when the river is diverted for irrigation.

Colorado squawfish were once widespread, occupying the entire Colorado River system including the Gila River system in Arizona. Squawfish were also present in tributaries of the Gila River, including the Salt, Verde, and San Pedro Rivers and likely several others. The last specimen known from Arizona waters was collected in the early 1950's and extensive sampling subsequent to that date has failed to locate specimens anywhere within the State of Arizona. The reasons for the decline of the Colorado squawfish are dewatering, dams, and competition with exotic species of fish. However, good habitat remains in the stream areas selected for the reintroduction of the Colorado squawfish and there is a good likelihood that it will become reestablished in these areas. Establishment of experimental populations of Colorado squawfish will make a significant contribution to the recovery of the species and will therefore further its conservation. The Colorado Squawfish Recovery Plan calls for reintroduction of the species into selected streams in the lower basin where the species formerly occurred. The stock of Colorado squawfish to be reintroduced will come from an existing captive-bred population and will not result in the removal of any individuals from the wild population.

Woundfin were originally distributed in the mainstream Colorado, Gila, Salt, and Virgin Rivers. Dams and dewatering have made most of these habitats unsuitable, while exotic species, especially red shiners (*Notropis lutrensis*), have outcompeted woundfin in the few remaining flowing streams. Only the Virgin River continues to maintain a woundfin population. The Service proposes to reintroduce individuals from Dexter National Fish Hatchery to stock the experimental populations. If insufficient woundfin are produced at Dexter, additional adult woundfin will be removed from the Virgin River as discussed in the Woundfin Recovery Plan. The Woundfin Recovery Plan calls for reintroduction into central Arizona streams where this species formerly occurred. The stream areas selected for reintroduction of the woundfin contain good habitat for this species, and the likelihood that these experimental populations will become established is good. If these experimental populations are successful they will make a significant contribution to the recovery of the woundfin. The release of these experimental populations will further the conservation of the species.

Summary of Comments and Recommendations

In the April 10, 1984, proposed rule (49 FR 14149) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in *The Arizona Republic* in Phoenix, Arizona, on April 25, 1984, which invited general public comments. Seventeen comments were received and are discussed below. No public hearing was requested or held.

Seven letters were received in support of the proposal. Three others expressed support of the experimental population concept, but had some reservations or requested specific changes in the proposal. Four letters were received in opposition to the proposal. Two letters received requested information, and another had no comments. Summaries of the comments and questions in these letters follow:

1. Support for the proposal was received from the American Society of Ichthyologists and Herpetologists, the Desert Fishes Council, and Arizona State University.

2. The Arizona Office of Economic Planning and Development had no comments on the proposal.

3. Two law firms responded to the proposal, one requested a copy of the draft Environmental Assessment, and the other requested copies of all comments which the Service received regarding the proposal. The requested information was sent.

4. The U.S. Forest Service supports the proposal. They submitted the following comments and questions regarding the Environmental Assessment (EA) for this action: (*C*=comment, *A*=Service response) *C.* Who will sign the Decision Notice? *A.* This final rule is signed by the Assistant Secretary of the Interior for Fish and Wildlife and Parks. *C.* Is the issue of the EA to determine the proper classification of the two species? If so, the effects of different classifications should be discussed. *A.* The issue of this EA is the proper classification of reintroduced populations of these two species. Additional clarification of the effects of different classifications has been added to the EA. *C.* The statement, in the EA, that without these reintroductions one or both of these species could become extinct in the forseeable future, is a direct contradiction to the designation of these populations as nonessential to the survival of the species. *A.* The Service agrees with this comment and has changed the wording to more accurately reflect Service intent. *C.* The Forest Service feels that they should be more involved in a cooperative preparation of the EA. *A.* The basic responsibility of preparing the EA rests with the Service. However, the Service has cooperated with the Forest Service by obtaining that agency's input in preparing the EA.

5. The U.S. Bureau of Reclamation supports the proposal and offered to help in monitoring the reintroduced populations. They expressed some doubt about the probability of success of some of the reintroductions due to habitat factors. They noted that some downstream movement could occur over dams during periods of unusually high flow, and asked that it be specified that any such fish retain their nonessential experimental status. This has been clarified in the rule. They also expressed concern over the effect of squawfish reintroductions on bald eagle food habits. The Service's response is that although the squawfish is a top fish predator, it successfully coexisted for thousands of years with the bald eagle. Razorback suckers are also being reintroduced into the Salt and Verde Rivers, and if successful, will provide added food for the eagles. If the squawfish reintroduction is successful, it is believed that the overall effect will also benefit the eagles. A Section 7 consultation on this effect was completed on January 11, 1985. The

biological opinion found that both fish species would be affected positively by the proposed action, as would the bald eagle.

6. The Arizona Game and Fish Department supports the proposal, however they feel recovery of these species would be better served by designation of these populations as essential experimental. They also noted that the recommended sites were being further evaluated in the summer 1984. The Service's response is that biologically, the survival of neither species will be dependent upon the survival of the reintroduced populations and loss of the reintroduced populations will not further jeopardize these species. Wild populations of both species appear to be stable and there are no immediate threats to that stability. Thus, nonessential designation seems more appropriate.

7. The U.S. Bureau of Land Management supports the concept of reintroduction of nonessential experimental populations of endangered species. However, they requested a change in the special rule to allow for "taking of the species incidental to activities that are otherwise lawful," to remove Section 9 prohibitions that might restrict development activities. This provision has been added to the special rule; however, taking of these species will be under the regulatory control of the State of Arizona and the White Mountain and San Carlos Apache Indian Tribes. Violation of applicable State and Tribal laws will also be a violation of the Endangered Species Act. BLM also submitted the following questions pertaining to the proposal: (*Q*-question, *A*-Service response) *Q.* Under what circumstances is informal consultation required? *A.* Informal conference is required when a Federal agency proposes to take, fund, or authorizes an action which is likely to jeopardize the continued existence of the Colorado squawfish or the woundfin. Consultation is not required for nonessential experimental populations, only an informal conference. *Q.* Do these experimental nonessential populations count toward eventual recovery and delisting? *A.* Yes. *Q.* How long will the experimental reintroduction period be, and how will its success or failure be measured? *A.* The rule sets forth a 10-year reintroduction program; however, the experimental designation will remain on these populations until each species is delisted. Success or failure will be determined by monitoring carried out by the State of Arizona. *Q.* Will woundfin reintroductions be terminated if the source population in the Virgin River is significantly reduced? *A.* Culturing woundfin at Dexter National Fish Hatchery has not succeeded as well as has squawfish culturing, but continues to improve. If Dexter is unable to produce sufficient number of woundfin, they will be taken from the Virgin River as described in the Woundfin Recovery Plan. These fish are normally trapped below irrigation diversion structures and lost when these reaches of the streams dry. The Section 7 consultation on the possibility of removal of wild stocks from the Virgin River for reintroduction concluded that such removal would not jeopardize the species. Continued monitoring of the woundfin in the Virgin River will assure that removal does not significantly reduce the population. *Q.* Under what circumstances, and how, would nonessential populations be reclassified as essential? *A.* The entire concept of the nonessential experimental designation is to assure private and governmental entities that Federal regulatory controls will be relieved on reintroduced populations. Nothing in the 1982 Amendments expressly discusses changing a designation from nonessential to essential. However, the implementing regulations do note the Congressional intent, as indicated in the House Report accompanying the Amendments, to be: "Regulations [to establish the experimental population designation or designate experimental populations] should be viewed as an agreement among the Federal agencies, the State fish and wildlife agencies and any landowners involved. Changes in the regulations should only be made after close consultation with all of the affected parties." (H.R. Rep. No. 567, 97th Cong., 2nd Sess. 34, 1982). The only action that might make the Service consider a change from a nonessential to an essential designation would be the loss of all or a significant portion of the wild populations. However, even in that extreme case, such a decision would require a rulemaking procedure involving extensive contact with Federal and State agencies, interested parties and affected landowners, publication in the **Federal Register**, and a public meeting if appropriate (50 CFR 17.81). BLM also requested that meetings be scheduled between affected land management agencies, State and county governments, and the public to discuss the reintroductions and the implementation of the action. Notification of the proposal was widespread in Arizona and the Service believes that a series of meetings were not needed on this rule since all interested parties are well informed about the proposed action. The Service has made every effort to answer BLM's questions both in writing and in person. The Service is satisfied that the regulatory requirements of section 10(j) of the Act and 50 CFR 17.81 have been satisfied.

8. The Arizona Department of Water Resources supports the concept of experimental reestablishment of these two species. However, they oppose the reintroduction of these species in any areas where there are proposed water projects contemplated at this time. The Service's response is that virtually all stretches of major streams in Arizona, including the Gila, Verde, Hassayampa, and San Francisco Rivers, have been contemplated for water development projects. Many of those projects will never be developed because the water of these systems is already fully committed. Others will be developed further to use existing water rights, but it is difficult to predict when and where which alternative of which project will be built. It is possible that projects built in the areas where reintroduced populations of woundfin and squawfish exist would have detrimental effects on those populations. However, the success of this reintroduction effort will be based on achieving a widespread population base for these species so that detrimental effects in a localized area will not appreciably reduce their overall chances for successful reestablishment.

9. The New Mexico Department of Game and Fish opposes the proposal. They submitted the following comments pertaining to the proposal: (*C*=comment, *A*=Service response) *C.* They were not contacted in the development of the proposal. *A.* Although the Service did not directly contact New Mexico Department of Game and Fish, that Department was contacted by the Arizona Game and Fish Department. Arizona requested New Mexico's input into the development of the proposal, but received no reply. It was assumed that New Mexico had no comments on the program, presumably because the reintroductions are unlikely to affect New Mexico. *C.* The upper Gila River woundfin transplant sites are not within historic range. *A.* The known historic ranges of many southwestern species, including the woundfin, are not well defined as historical collections were not always made in a thorough manner. The woundfin was collected in the Gila River drainage as far upstream as the Gila-Salt confluence. It was also collected up to 3400 feet elevation in the Verde River, about the same elevation

as the Gila River reaches near the Arizona-New Mexico border. Although historical collection records from the upper Gila River are extremely spotty, there were no barriers or known habitat considerations which would have precluded woundfin from existing in those areas upstream from the Gila-Salt confluence, and it is reasonable to believe that woundfin were once spread throughout acceptable habitats in the Gila River drainage as they were in the Verde, River. This assumption is accepted by Minckley (1973 and 1979) and is accepted by State of Arizona biologists. *C.* The spikedace, another member of the tribe Plagopterini, which is a New Mexico listed species and a Federal candidate species, is found in the upper Gila River in New Mexico and may be adversely affected by the introduction of the woundfin. *A.* The spikedace is presently found in the Gila River only as far downstream as 20 miles above the New Mexico/Arizona State line, which is a separation of at least 20 miles, 3 low-head dams and an intermittent section of river from the proposed woundfin reintroduction site. In addition, the woundfin and spikedace historically coexisted in portions of the middle Gila River. Historic records show that both woundfin and spikedace were found in the Gila River near the confluence with the Salt River. The woundfin and a close relative of the spikedace, the Virgin River spinedace, still coexist in the Virgin River. *C.* The red shiner, an exotic fish, is presently found in the Gila and San Francisco Rivers at the reintroduction sites. This fish has been implicated in the decline of the woundfin through competitive interaction. *A.* The Service agrees that the presence of red shiner in the Gila and San Francisco Rivers is undesirable regarding the success of woundfin reintroductions, and their presence was considered in the selection of recommended sites. Although replacement of the woundfin by red shiner has been noted by Minckley and Deacon (1968) and by the Woundfin Recovery Plan (1984), it is not certain whether the replacement is due to competition or to habitat changes. Woundfin and red shiner have coexisted in the lower Virgin River for at least the past 10 years, indicating that such coexistence may be possible under the right conditions. Nearly every stream within historic range of the woundfin has been invaded by the red shiner, and removal of the shiner from selected reintroduction sites would be virtually impossible at worst and temporary at best. Therefore, reintroduction sites were chosen for habitat conditions favorable to woundfin with the assumption that under such conditions the woundfin can successfully resist displacement by the red shiner. Dr. W.L. Minckley, in a study of the Gila River complex done in 1979 for BLM, recommended: "The Gila River mainstream within its box canyon is considered as a prime site for reestablishment of woundfin, and it should be given priority for any program considered." *C.* The woundfin introduced into the Gila and San Francisco Rivers will migrate upstream into New Mexico and will revert to endangered status there. *A.* It is unlikely that woundfin will migrate into New Mexico. In the Gila River there are three low-head irrigation dams just inside the New Mexico border; the most downstream of which is one mile east of the State line and is 6 feet high. The second is 5 miles east of the State line and is 4 feet high. These dams form insurmountable barriers to upstream movement of woundfin unless they are purposefully carried over them by man. On the San Francisco River no natural or manmade barrier exists; however, high elevation and other habitat considerations make the San Francisco River in New Mexico marginal habitat for the woundfin. In the unlikely case that woundfin do make their way into New Mexico, this rule provides for nonessential experimental status for all populations in the Gila basin, including any individuals which spread upstream or downstream from the immediate transplant site. Migration of experimental populations outside of the area of reintroduction does not change their designation unless they mix with wild populations that are fully protected. *C.* No habitat management plan has been done for the reintroduction sites. *A.* The Woundfin Recovery Plan calls for preparation of habitat management plans for reintroduction sites as "soon as potential transplant sites are approved." However the recovery plan did not consider the use of nonessential experimental populations. The experimental nonessential designation is being used for these populations in order to minimize Federal regulations and restrictions. Therefore it is not appropriate for the Service to require the preparation of habitat management plans for these sites. Biologically, such plans are desirable; however, the decision whether such plans are implemented or not is up to the agency, organization, or individual who owns or administers the land. *C.* The regulations implementing experimental population designations have not been finalized and New Mexico feels that the experimental designation of squawfish and woundfin should be deferred until such finalization. *A.* The regulations for experimental populations have been finalized, and were published in the Federal Register on August 27, 1984. *C.* New Mexico feels that their experience concerning the transplant of the endangered whooping crane has shown that the Service cannot be trusted to live up to any agreements that are not legally binding. *A.* The Service regrets that the State of New Mexico feels that it was not treated fairly in the matter of the whooping crane, but does not think that those misunderstandings should prevent valid recovery efforts for other endangered and threatened species in New Mexico and bordering portions of other States.

10. Mobil Alternative Energy Inc. stated that they believe nonessential experimental populations are a valid recovery method. Other comments and questions submitted by them and the Service's responses follow: *Q.* What protection would the nonessential experimental populations receive under sections 7(a) (1) and (4) of the Act? *A.* Section 7(a)(1) applies to these experimental populations. It states in part that . . . "All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act." The reintroduction of these species is obviously a conservation program for their recovery. Specific additional conservation measures are not required by section 7(a)(1). The protection provided under section 4 is discussed under the "Protective Regulations" portion of this rule. *Q.* Would formal or informal consultation be necessary for nonessential experimental populations on agency or industry projects, and what limitations would there be on commitment of resources? *A.* On nonessential experimental populations only an informal conference is required, and only if Federal action, authorization or funding is involved. This may lead to recommendations, but not to the imposition of mandatory restrictions. *Q.* Will conservation or recovery plans be developed for these and other Lower Colorado River basin species? *A.* Both of these species already have approved recovery plans. No plans for other species are currently being considered except for an overall document being prepared by the Lower Colorado River

Coordination Group to tie together the various reintroduction efforts, both planned and underway. Management plans for the reintroduced populations may be written, if suitable. *Q.* Should the nonessential status of these populations ever be changed to essential, what would be the protection afforded them, and what factors could cause such a change? *A.* The Service's response is the same as found under paragraph 7. Additionally, it is noted that an "essential" experimental population has full protections under section 7(a)(2). A change from "nonessential" to an "essential" classification would not necessarily change any of the section 9 protections that apply to the experimental populations. *Q.* Will data gathered during the reintroduction and monitoring of these nonessential experimental populations be used to upgrade the status of these populations to essential or endangered if the populations fail to establish themselves successfully? *A.* No. Data gathered during monitoring will be used to determine the success of the reintroduction efforts and to provide the data necessary to delist the species, but not to provide additional protection. *Q.* If the reintroduction efforts are a success will the increased population numbers be used to delist the species? *A.* The success of such reintroductions is part of the criteria set forth in the recovery plans for downlisting and delisting these species. *Q.* Mobil asked that these comments and answers be incorporated into the rule and that it be republished as a proposal prior to finalization. *A.* The Service feels that the incorporation of information answering questions received and of changes requested is sufficient to address the concerns of Mobil and other interested parties, and that reproposal would delay the reintroduction effort unnecessarily. The major concern of Mobil appears to be the potential for change in the status of these populations from nonessential to essential or endangered status, and that these populations will be used to force mandatory restrictions on their operations. As the answers to their submitted questions indicate, such problems are not likely to arise. The nonessential experimental status is specifically designed to avoid such restrictions and to allow for recovery efforts for this species with a minimum effect on agencies, industry, and individuals.

11. Phelps Dodge Corporation submitted comments both from their Morenci Branch and from their Western General Office. Both oppose this proposal. They feel that the proposal has an "overwhelming potential" to seriously jeopardize their Morenci copper mining and processing operation and significantly impair or terminate implementation of flood control plans on the Gila and San Francisco Rivers due to the potential for the nonessential experimental populations to be upgraded and critical habitat designated at some time in the future. They believe that reintroductions should not occur in any areas where "probable designation of critical habitat could directly or indirectly jeopardize the economic well-being of the human species on the scale of counties." In addition, they feel that the proposed reintroduction site in the San Francisco River is unsuitable due to the presence of red shiner. The Service's response to the question of upgrading the status for these populations is given in paragraph 7. Upgrading of the population in the San Francisco River to essential or endangered would occur only under very extreme circumstances and critical habitat could only be designated for the woundfin in the San Francisco if that upgrade were to occur. Such designation would be subject to publication of the proposal in the **Federal Register** and to extensive discussions with affected organizations, groups, and individuals. Since the purpose of the nonessential experimental status was specifically to reduce restriction on agencies, industries and landowners, it would be self-defeating to propose this nonessential designation with the idea in mind of changing it in order to restrict those exact activities it was designed not to restrict. Flood control in the San Francisco and Gila Rivers may be a valid need; however, the Service believes that such future projects can be arranged to the satisfaction of all parties involved, and that nonessential experimental populations such as these should not conflict with such projects. The Phelps Dodge Morenci operation would not be jeopardized by these reintroductions because no binding restrictions could be placed on them. The Service's response to the question of red shiner is given in paragraph 9. Phelps Dodge's comments and questions were also answered directly by letter.

12. The White Mountain Apache Tribe opposes the proposal. The Tribe's objections are based upon the following comments: *C.* The Service failed to contact the Tribe during preparation of the porposal. *A.* The Tribe was not contacted prior to the proposal publication. The purpose of a proposal is exactly that—to contact the involved parties and solicit their comments, questions, information, and input. The possibility of reintroduction of squawfish into the Salt River was discussed with the Tribe several years ago, and the incorporation of the experimental population concept into the 1982 Amendments to the Act was in part a result of those discussions. *C.* The Service failed to address, in the special rule, the fact that State law has no jurisdiction over hunting and fishing on federally recognized Indian reservations, and that Arizona State license requirements and regulations do not apply within the Fort Apache Indian Reservation. Regulation of wildlife and fish on lands of the White Mountain Apache Tribe are under the jurisdiction of Tribal law. *A.* The special rule has been changed to cover applicable Tribal as well as State laws and regulations. *C.* The Tribe objects to the Statement containted in the proposal, pertaining to water rights on the Salt River, that: "Salt River Project, a private water district supplying water to metropolitan Phoenix owns most of the water rights." They point out there is presently ongoing litigation in State and Federal courts in respect to all of the water in the Salt River basin, and that the White Mountain Apache Tribe claims "prior and paramount" rights to waters in the Salt River pursuant to the Winter's Water Rights Doctrine. *A.* The Service recognizes that such litigation is in progress. The statement in question has been removed from the final rule. The Tribe's objections were also responded to directly by letter.

13. The Salt River Project supports the proposal. They expressed concern over the effect of the squawfish reintroductions in the Salt and Verde Rivers and Tonto Creek on feeding of nesting bald eagles. They recommend a section 7 review of the proposal. The Service's response to this concern is the same as found in paragraph 5.

Status of Reintroduced Populations

The reintroduced populations of Colorado squawfish and woundfin are designated as nonessential experimental populations according to the provisions of the 1982 Amendments to the Endangered Species Act. Nonessential experimental population status, plus the special rule for State or Tribal regulation of take, for the reintroduced Colorado squawfish and woundfin means that they will be subject to providions of sections 7(a) (1) and (4) of the Act and the special rule. These sections authorize Federal agencies to establish programs furthering conservation of listed species and also require Federal agencies to informally confer with the Service regarding actions which are

likely to jeopardize the continued existence of the species. The restrictions on Federal agency activity in section 7(a)(2) will not apply. Justification for the "nonessential" status for the introduced experimental populations of Colorado squawfish and woundfin is as follows:

1. *Colorado squawfish.* Populations of this species are still viable in portions of the Green, Colorado, and Yampa Rivers in the upper basin. In addition, sufficient brood stock is available at Dexter NFH to produce millions of fry. Techniques for propagating and rearing this species have been developed and are in place. Reintroduction is a recovery action designed to increase the number of populations, rather than to prevent their further decline. The loss of these captive-reared specimens will not reduce the likelihood of the survival of Colorado squawfish in the wild.

2. *Woundfin.* The population in the Virgin River is relatively stable and the habitat is moderately secure. Fish numbers vary with amounts of springtime flows and irrigation practices that dewater portions of the stream, but the recovery team sees no near-future significant alteration for the Virgin River habitat. Woundfin are being held at Dexter National Fish Hatchery (NFH), and recent attempts to spawn them have been successful. These hatchery reared stocks will be used for reintroduction. If such stocks are insufficient then woundfin will be taken from the Virgin River for reintroduction. Any fish taken from the wild will be taken from adults trapped below irrigation water diversion structures. These fish normally die when the river is diverted and the stream bed dries. Therefore, the loss of the reintroduced populations will not reduce the likelihood of the survival of the woundfin in the wild. This reintroduction is an action to increase the numbers of populations of woundfin rather than an attempt to prevent their further decline.

Successful reintroduction of squawfish and woundfin may result in individuals or populations being displaced or migrating upstream or downstream from the reintroduction site. These fish would retain their nonessential experimental status. All woundfin or squawfish encountered in the Gila River drainage will derive from these reintroduced populations and as such will have a status of nonessential experimental.

Protective Regulations

Section 4(d) provides for issuance by the Secretary of protective regulations for species listed as threatened. Such regulations shall be issued when deemed "necessary and advisable to provide for the conservation of such species" and they can apply any of the prohibitions in section 9(a)(1) for endangered species of fish and wildlife to threatened species. This final rule establishes a special rule for these nonessential experimental populations. This special rule provides that regulation of taking in these populations will be governed under applicable State and Tribal laws and regulations. The State will regulate direct taking of the species through the requirement of State collecting permits. The Service has concluded that the State collection permit system is adequate to protect the species from excessive taking. A separate Federal permit system is not required to address the potential threats to the species.

Indian tribal laws require fishing licenses and limits on all fish taken. No regulations currently exist for squawfish and woundfin since none are presently found on reservation lands; however, the listed Apache trout, which is present on reservation land, is protected by tribal law.

The special rule acknowledges that incidental take of species by State and tribal-licensed recreational fishermen is not a significant threat to the species. Therefore, under this rule, incidental take would not be a violation of the Act if the fishermen returned the individual fish taken to its habitat.

Location of Reintroduced Populations

All of the sites selected for reintroduction of Colorado squawfish and woundfin are totally isolated from existing populations of these species. The nearest population of Colorado squawfish is above Lake Powell in the Green and Colorado Rivers, an upstream distance of at least 800 miles, 6 mainstream dams and 200 miles of dry riverbed from the selected release site. Woundfin are similarly isolated (450 miles distant, 200 miles of dry streambed and 5 mainstream dams from the selected release site). All reintroduction sites are within the probable historic range of these species.

Colorado Squawfish

1. *Arizona: Gila County.* Salt River from Roosevelt Dam upstream to U.S. Highway 60 bridge.

2. *Arizona: Gila and Yavapai Counties.* Verde River from Horseshoe Dam upstream to Perkinsville.

The lower segments of large streams which flow into these two sections of river may, from time to time, be inhabited by Colorado squawfish. Downstream movement of squawfish in these areas will be restricted by dams and upstream movement is limited by lack of suitable habitat.

Woundfin

1. *Arizona: Gila and Yavapai Counties.* Verde River from backwaters of Horseshoe Reservoir upstream to Perkinsville.

2. *Arizona: Graham and Greenlee Counties.* Gila River from backwaters of San Carlos Reservoir upstream to the Arizona/New Mexico State line.

3. *Arizona: Greenlee County.* San Francisco River from its junction with the Gila River upstream to the Arizona/New Mexico State line.

4. *Arizona: Gila County.* Tonto Creek, from Punkin Center upstream to Gisela.

5. *Arizona: Yavapai County.* Hassayampa River, from Red Cliff upstream to Wagoner.

The movement of woundfin beyond these areas will be limited to the lower portion of larger tributaries where suitable habitat exists. Downstream movement is limited by dams, reservoirs, and dry streambed. Upstream movement from these areas is restricted due to the absence of suitable habitat. Upstream areas are too cold and the gradient is too steep to support populations of woundfin.

Management

The Service and the Arizona Game and Fish Department plan to initiate reintroduction as soon as possible. Present plans call for annual stocking for the next 10 years. The first stocking of Colorado squawfish could consist of as many as 100,000 individuals. These could be distributed in approximately equal numbers between the 2 sites identified above. All of the fish will come from the hatchery stock which was spawned and reared in the Dexter National Fish Hatchery in Dexter, New Mexico. Future Colorado squawfish stock will also come from the hatchery. The first stocking of woundfin will consist of at least 5,000 individuals which will be distributed among the 5 areas identified above based on the available habitat in each area. Woundfin for stocking will also come from hatchery stock at Dexter National Fish Hatchery, if possible, but may also come from the Virgin River if Dexter is unable to produce sufficient numbers. Wild fish will be removed from localities in the Virgin River that traditionally become intermittent during the irrigation season, and will not exceed 25,000 fish.

The reintroducted populations will be checked annually to determine their condition. A seining survey will be used to determine population expansion or

contraction, reproductive success, and general health condition of the fish. This monitoring effort complies with the Service's regulatory requirements. These experimental populations of squawfish and woundfin will be treated as threatened species under all provisions of the Act other than section 7 (except for subsection (a)(1) thereof), under which they will be treated as proposed species. No person may take fish from these experimental populations, except that individual fish of these populations may be taken in accordance with applicable State or Tribal Law.

National Environmental Policy Act

An Environmental Assessment under NEPA has been prepared and is available to the public at the Albuquerque Regional Office of Endangered Species, U.S. Fish and Wildlife Service (see ADDRESSES). This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that this is not a major action under Executive Order 12291 and certifies that this action will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These determinations are based on a Determination of Effects that is available at the Service's Regional Office in Albuquerque, New Mexico (see ADDRESSES). That Determination of Effects concluded that these rules will have no effect on any actions now allowed or on any proposed actions presently under consideration. The rule does not contain any information, collection, or recordkeeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Literature Cited

Minckley, W.L. 1973. Fishes of Arizona. Arizona Department of Game and Fish. Phoenix. 293pp.

Minckley, W.L., and J.E. Deacon. 1968. Southwestern fishes and the enigma of "endangered species". Science 159:1424–2432.

Minckley, W.L., M.R. Sommerfield, et al. 1979. Resource inventory for the Gila River Complex, Eastern Arizona. USDI Bureau of Land Management. Final report, contract YA–512–CT6–2166.

Authors

The principal authors of this rule are James Williams and Peter G. Poulos, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2760).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following in alphabetical order under FISHES (following the existing entry) to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
*	*	*	*	*	*		
Squawfish, Colorado	*Ptychocheilus lucius*	U.S.A. (AZ, CA, CO, NM, NV, UT, WY), Mexico	Salt and Verde River drainages, AZ	XN		NA	17.84(b)
*	*	*	*	*	*		
Woundfin	*Plagopterus argentissimus*	U.S.A. (AZ, NV, UT)	Gila River drainage, AZ, NM	XN		NA	17.84(b)
*	*	*	*	*	*		

3. Add the following special rule to Part 17 by adding a new § 17.84(b) as follows:

§ 17.84 Special rules—vertebrates.

* * * * *

(b) Colorado squawfish (*Ptychocheilus lucius*) and woundfin (*Plagopterus argentissimus*).

(1) The Colorado squawfish and woundfin populations identified in paragraph (6) below are experimental, nonessential populations.

(2) No person shall take the species, except in accordance with applicable State or Tribal fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) Incidental to otherwise lawful activities, provided that the individual fish taken, if still alive, is immediately returned to its habitat.

(3) Any violation of applicable State or Tribal fish and wildlife conservation laws or regulations with respect to the taking of this species (other than incidental taking as described in paragraph (b)(2)(ii) of this section) will also be a violation of the Endangered Species Act.

(4) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State or Tribal fish and wildlife laws or regulations.

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (b) (2) through (4) of this section.

(6) All of the sites for reintroduction of Colorado squawfish and woundfin are totally isolated from existing populations of these species. The nearest population of Colorado squawfish is above Lake Powell in the Green and Colorado Rivers, an

upstream distance of at least 800 miles including 6 mainstream dams, and 200 miles of dry riverbed. Woundfin are similarly isolated (450 miles distant, 200 miles of dry streambed and 5 mainstream dams). All reintroduction sites are within the probable historic range of these species and are as follows:

Colorado Squawfish

(i) *Arizona: Gila County.* Salt River from Roosevelt Dam upstream to U.S Highway 60 bridge.

(ii) *Arizona: Gila and Yavapai Counties.* Verde River from Horseshoe Dam upstream to Perkinsville.

The lower segments of large streams which flow into these two sections of river may, from time to time, be inhabited by Colorado squawfish. Downstream movement of squawfish in these areas will be restricted by dams and upstream movement is limited by lack of suitable habitat.

Woundfin

(i) *Arizona: Gila and Yavapai Counties.* Verde River from backwaters of Horseshoe Reservoir upstream to Perkinsville.

(ii) *Arizona: Graham and Greenlee Counties.* Gila River from backwaters of San Carlos Reservoir upstream to Arizona/New Mexico State line.

(iii) *Arizona: Greenlee County.* San Francisco River from its junction with the Gila River upstream to the Arizona/New Mexico State line.

(iv) *Arizona: Gila County.* Tonto Creek, from Punkin Center upstream to Gisela.

(v) *Arizona: Yavapai County.* Hassayampa River, from Red Cliff upstream to Wagoner.

The movement of woundfin beyond these areas will be limited to the lower portion of larger tributaries where suitable habitat exists. Downstream movement is limited by dams, reservoirs, and dry streambed. Upstream movement from these areas is restricted due to the absence of habitat. Upstream areas are too cold and the gradient is too steep to support populations of woundfin.

(7) The reintroduced populations will be checked annually to determine their condition. A seining survey will be used to determine population expansion or contraction, reproduction success, and general health condition of the fish.

Dated: June 27, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-17398 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 50458-5048]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) announces the closure of the non-Indian commercial salmon fishery in the fishery conservation zone (FCZ) between Cape Alava, Washington, and Leadbetter Point, Washington, effective on filing of this notice with the Office of the Federal Register, because the quota for coho salmon has been taken. The Director, Northwest Region, NMFS (Regional Director), has determined in consultation with the Washington Department of Fisheries (WDF) that the commercial fishery quota of 78,500 coho salmon for the area was reached by midnight, July 18. The intended effect is to conserve the coho salmon fishery resource.

EFFECTIVE DATE: Closure of the FCZ between Cape Alava, Washington, and Leadbetter Point, Washington, to commercial salmon fishing is effective 0001 hours, Pacific Daylight Time, July 19, 1985.

ADDRESS: Data and other information relevant to this action have been compiled in aggregate form and are available for public review at the Northwest Region, NMFS, 7600 Sand Point Way NE., Building 1, Seattle, Washington, from 8:00 a.m. to 4:30 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten 206-526-6150.

SUPPLEMENTARY INFORMATION: The regulations implementing the framework amendment for the ocean salmon fisheries (49 FR 43679, October 31, 1984) specify at § 661.21(a)(1) that when a quota for the commercial or the recreational fishery, or both, for any salmon species during any period open to fishing in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register**, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

The 1985 season for the non-Indian commercial fishery for all salmon species in the FCZ between Cape Alava, Washington, and Leadbetter Point, Washington, is July 15 through the earliest of July 31 or attainment of a 78,500 coho quota or a 16,100 chinook quota (50 FR 18672, May 2, 1985). Based on the most recent catch and effort information supplied by WDF, the non-Indian commercial fishery catch in the area reached the 78,500 coho salmon quota by midnight, July 18, when WDF acted to close State waters and to prohibit further landings after a grace period of 48 hours (midnight, July 20) for landings in Washington ports. Oregon prohibits troll landings in Oregon ports from this area after midnight, July 19, 1985. The Secretary therefore issues this notice to close the non-Indian commercial fishery in the FCZ between Cape Alava, Washington, and Leadbetter Point, Washington, effective on the filing of this notice with the Office of the Federal Register. This notice does not apply to the treaty Indian troll fishery in the same area or other fisheries which may be operating in other areas.

The Regional Director consulted with the Pacific Fishery Management Council and WDF regarding this closure.

Other Matters

This action is taken under the authority of § 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

Dated: July 19, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85-17606 Filed 7-19-85; 4:46 am]

BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 41155-4175]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of fishing restriction and boundary revision, and request for comments.

SUMMARY: NOAA issues this notice (1) establishing restrictions to reduce further the levels of fishing in 1985 for widow rockfish taken off the coasts of Washington, Oregon, and California, and (2) changing the management boundary for the *Sebastes* complex of

rockfish, and seeks public comment on these actions. These actions are authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan and are intended (1) to reduce the probability of a fishery closure on widow rockfish before the end of the year (2) to minimize the negative impacts of current fishing restrictions on the fishing community of Coos Bay, Oregon.

DATES: The trip limit for widow rockfish will be effective at 0001 hours Pacific Daylight Time (PDT), July 21, 1985. Change to the management area for the *Sebastes* complex will be effective at 0001 hours PDT, September 1, 1985. These actions will remain in effect until modified, superseded, or rescinded. Comments on both actions will be accepted through August 8, 1985.

ADDRESSES: Submit comments on these actions to Mr. Rolland A. Schmitten, Director, Nortwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98175; or Mr. E.C. Fullerton, Director, Southwest Region, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: R.A. Schmitten at 206–526–6150, E.C. Fullerton at 213–548–2575, or the Pacific Fishery Management Council at 503–221–6352.

SUPPLEMENTARY INFORMATION: Implementing regulations for the Pacific Coast Groundfish Fishery Management Plan at §§ 663.22. and 663.23 provide for inseason adjustments of fishing levels by notice published in the **Federal Register**. This action supersedes those provisions in the notice (50 FR 18668, May 2, 1985) which limited landings of widow rockfish (*Sebastes entomelas*) and the *Sebastes* complex of rockfish (all species of rockfish in the Scorpaenidae family except widow rockfish, Pacific ocean perch (S. Alutus), Shortbelly rockfish (*S. jordani*), and *Sebastolobus* species of rockfishes). The provisions for Pacific ocean perch (50 FR 18668, May 2, 1985) and for sablefish (*Anoplopoma fimbria*) (50 FR 2851, January 15, 1985) remain in effect.

The Pacific Fishery Management Council (Council) reviewed the progress of the groundfish fishery at its July 1985 meeting in Los Angeles, California. The Council's recommendations for the remainder of 1985 and actions taken by the Secretary on those recommendations are presented below. Because the vast majority of groundfish caught off Washington, Oregon, and California are taken from the fishery conservation zone (FCZ) 3–200 nautical miles offshore, all groundfish taken in ocean waters off Washington, Oregon, and California and retained or landed in violation of these restrictions will be treated as though they were taken in the FCZ, the same as in 1984.

1. Lower Trip Limits for Widow Rockfish

Council Recommendation: The Council recommended that a trip limit of 3,000 pounds (with no limit on the number of trips) should replace the current trip limit (30,000 pounds once a week with no limit on landings less than 3,000 pounds).

Rationale: The coastwide optimum yield quota (OY) for widow rockfish in 1985 is 9,300 metric tons, the same as in 1984, but 26 percent above the 1985 allowable biological catch (ABC) of 7,400 mt. When OY is reached, further landings of this species will be prohibited.

In 1985, trip limits were set in January—30,000 pounds once a week or 60,000 pounds once every two weeks—and revised in April—the bi-weekly trip limit provision was deleted. Also in April, the Council announced its intent to restrict the target fishery on widow rockfish severely if 90 percent of the OY were landed before the Council meeting on July 10, in which case the trip limit would be reduced to 3,000 pounds or 10 percent of all fish on board, whichever is less, if more than 1,000 pounds of widow rockfish were on board. However, 90 percent of OY was not projected to be reached until July 14 and at its July 10 meeting the Council recommended and adopted a trip limit of 3,000 pounds, which is simpler to implement from both an enforcement and compliance standpoint. This limit is intended to virtually eliminate target fishing on widow rockfish, while allowing small incidental catches to be landed, slowing the achievement of OY, minimizing discards, and enabling small markets for this species to be supplied as long as possible in 1985. If no action were taken, OY would be reached and the fishery closed in early August.

Secretarial Action: The Secretary concurs with the Council's recommendation and announces—

(1) No more than 3,000 pounds (round weight) of widow rockfish may be taken and retained, or landed, per vessel per fishing trip.

(2) These restrictions apply to all widow rockfish taken and retained in ocean waters (0–200 nautical miles) offshore of, or landed in, Washington, Oregon, and California.

(3) Landing of widow rockfish in the pink shrimp and spot and ridgeback prawn fisheries are governed by the regulations at § 663.28.

2. Shift in Fishing Boundaries for Sebastes Complex

Council Recommendation: The Council recommended that the boundary that currently separates the two trip limits for the *Sebastes* complex should be shifted about 30 miles to the north, from Cape Blanco, Oregon, at 42°50′ N. latitude to the north jetty of Coos Bay, Oregon, at 43°22′ N. latitude. Current trip limits are: North of Cape Blanco—15,000 pounds of the *Sebastes* complex, of which no more than 5,000 pounds may be yellowtail rockfish (*S. flavidus*), with only one landing a week above 3,000 pounds unless biweekly or twice-weekly landing options have been chosen; south of Cape Blanco—40,000 pounds per trip with no limit on the number of trips. No other change to the trip limits for the *Sebastes* complex was recommended.

Rationale: Yellowtail rockfish, found predominantly off Washington and northern Oregon, is the only species found to be biologically stressed in the multispecies *Sebastes* complex. Consequently two different area trip limits were set for this complex. The trip limit north of Cape Blanco was designed to reduce landings of yellowtail rockfish and alleviate stress on that stock. The southern, more liberal limit, which does not severely restrict normal fishing practices, was necessary to discourage a large effort shift to southern waters and thus avoid excessive harvest of other species in the complex. These limits also require that if more than 3,000 pounds of *Sebastes* complex is caught on one side of the line and possessed on the other during a fishing trip, fishermen must have notified the Oregon Department of Fish and Wildlife before leaving port on that trip. If this notification is not made, the more restrictive trip limit applies.

Coos Bay fishermen testified that these provisions caused an undue burden, the boundary at Cape Blanco is approximately 30 miles south of Coos Bay. The productive fishing grounds just south of Cape Blanco have unpredictable weather that can rapidly become dangerous or unsuitable for fishing. As a result, fishermen may leave Coos Bay with the expectation of a 40,000 pound trip only to find unfishable conditions in the southern area. If they fish north of Cape Blanco on their return, the northern limit applies and the fuel and time spent traveling south to Cape Blanco is a large expense relative to the earnings from the trip.

Moving the line from Cape Blanco to the north jetty of Coos Bay will simplify and enhance the operations of fishermen whose *Sebastes* fishing grounds are

predominantly in the vacinity of Cape Blanco. Fishermen will be able to land more of the *Sebastes* complex if the more liberal 40,000 pound trip limit is extended north to Coos Bay and the problem of not recovering expenses if unable to fish south of Cape Blanco will be alleviated. Fishermen also will have fewer transboundary declarations to make since they infrequently will fish for the *Sebastes* complex north of Coos Bay.

The Council considered these factors, hearing additional testimony that there is no known biological reason to deny this change because the amount of yellowtail rockfish taken between Coos Bay and Cape Blanco is negligible. If in place for the entire year, this 30-mile change in areas could reduce the harvest guideline for the northern area by about 800 metric tons. However, because Coos Bay is not at a statistical reporting boundary, recomputation of the harvest guideline and adjustment of the computerized data system cannot be accomplished immediately. Therefore, this line change cannot occur before September 1, 1985. Because the line change is expected to have a minimal impact on the resource and will benefit the fishery, the Council recommended moving the management line to the north jetty of Coos Bay on September 1, 1985. Changes to the harvest guideline for the *Sebastes* complex and the appropriate placement of the line, including the possibility of placing it at Cape Falcon, Oregon (at 45°46'N. latitude) will be considered for the 1986 season when the Council meets in Seattle, Washington, in November.

Secretarial Action: The Secretary concurs with the Council's recommendations and herein repeats in full for the convenience of fishermen the trip limit provisions published in the **Federal Register** (50 FR 18668 May 2, 1985) only changing "Cape Blanco" to "Coos Bay", as follows—

(1) *Definitions.*

(a) *Sebastes* complex means all rockfish managed by the FMP except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*S. entomelas*), shortbelly rockfish (*S. jordani*), and *Sebastolobus* species of rockfish (which includes idiot rockfishes). The *Sebastes* complex includes yellowtail rockfish (*Sebastes flavidus*).

(b) "One-week period" means seven consecutive days beginning 0001 hours Sunday and ending 2400 hours Saturday, local time.

(c) "Two-week period" means 14 consecutive days beginning at 0001 hours Sunday and ending 2400 hours Saturday, local time.

(d) All weights are round weights, the weight of the whole fish.

(2) *General.*

(a) These restrictions apply to all fish of the *Sebastes* complex taken and retained in ocean waters (0–200 nautical miles) offshore of, or landed in, Washington, Oregon, and California.

(b) There is no limit on the number of landings under 3,000 pounds of the *Sebastes* complex allowed per week.

(c) It will be presumed that all fish of the *Sebastes* complex which are possessed or landed north of the north jetty at Coos Bay, Oregon (43°22'N. latitude), hereafter referred to as Coos Bay, were caught north of Coos Bay unless compliance with paragraph (3) can be demonstrated.

(3) *Operating both north and south of Coos Bay in a trip.* Unless compliance with this paragraph can be demonstrated, fishing for any groundfish species during a single fishing trip must occur either north or south, but not on both sides of Coos Bay if more than 3,000 pounds of the *Sebastes* complex is landed from that trip. The vessel owner or operator must notify the State of Oregon before leaving port on a fishing trip of intent to fish in one area and possess or land in the other, in which case fishing may occur both north and south of Coos Bay. If fishing occurs both north and south of Coos Bay during a single fishing trip, then the restrictions on the *Sebastes* complex caught north of Coos Bay apply.

This notification, submitted by telephone or in writing, should be made to the Oregon Department of Fish and Wildlife, Marine Regional Office, Marine Science Drive, Building No. 3, Newport, OR 97365, telephone 503–867–4741; or P.O. Box 5430, Charleston, OR 97420, telephone 503–888–5515, between 8:00 a.m. and 4:30 p.m., and other times at 503–269–5000 or 503–269–5999; or 53 Portway Street, Astoria, OR 97103, telephone 503–325–2462.

(4) *Restrictions on the Sebastes complex caught north of Coss Bay.* (a) *Weekly trip limit.* Except for the biweekly and twice weekly trip limits provided in paragraphs (4)(b) and (4)(c), no more than 15,000 pounds of the *Sebastes* complex, including no more than 5,000 pounds of yellowtail rockfish, may be taken and retained, possessed, or landed, per vessel per fishing trip in a one-week period north of Coos Bay. Only one landing of the *Sebastes* complex above 3,000 pounds may be made per vessel in that one-week period.

(b) *Biweekly trip limit.* If the appropriate agency is notified as required by this paragraph, up to 30,000 pounds of the *Sebastes* complex, including no more than 10,000 pounds of yellowtail rockfish, may be taken and retained, possessed or landed, per vessel per fishing trip in a two-week period north of Coos Bay. Only one landing of the *Sebastes* complex above 3,000 pounds may be made per vessel in that two-week period, and only if compliance with this paragraph can be demonstrated. The vessel owner or operator must notify the fishery agency of the State where the fish will be landed in order to make one landing of the *Sebastes* complex above 3,000 pounds every *two* weeks, which obligates the vessel owner and operator to use only the biweekly trip limit unless rescinded in writing.

The State of Oregon or California must receive a written notice declaring intent to use the biweekly limits before the first day of the first two-week period in which such landings are to occur; the notice is binding for entire one-month periods (two consecutive two-week periods). This notice of intent may be canceled by notifying the appropriate State in writing prior to the two-week period in which this rescission is to occur. The State of Washington must receive written notice declaring intent to use the biweekly limits postmarked at least seven days before the first day of the first two-week period in which such landings are to occur. This notice of intent may be canceled by notifying the State in writing postmarked at least seven days before the calendar month in which this rescission is to occur.

Notifications must be submitted to the Oregon Department of Fish and Wildlife, Marine Regional Office, Marine Science Drive, Building No. 3, Newport, OR 97365, telephone 503–867–4741; P.O. Box 5430, Charleston, OR 97420, telephone 503–888–5515, between 8:00 a.m. and 4:30 p.m., and other times at 503–269–5000 or 503–269–5999; 53 Portway street, Astoria, OR 97103, telephone 503–325–2462; or to the Washington Department of Fisheries, 115 General Administration Building, Olympia, WA 98504; or to the California Department of Fish and Game, Branch Office, 619 Second Street, Eureka, CA 95501.

(c) *Twice weekly trip limit.* If the appropriate agency is notified as required by this paragraph, up to 7,500 pounds of the *Sebastes* complex, including no more than 3,000 pounds of yellowtail rockfish, may be taken and retained, possessed, or landed, per vessel per fishing trip north of Coos Bay. Only two landings of the *Sebastes* complex above 3,000 pounds may be made per vessel in a one-week period, and only if compliance with this

paragraph can be demonstrated. The vessel owner or operator must notify the fishery agency of the State where the fish will be landed in order to make two landings of the *Sebastes* complex above 3,000 pounds in a one-week period, which obligates the vessel owner and operator to use only the twice weekly trip limit unless rescinded in writing.

The State of Oregon or California must receive a written notice declaring intent to use the twice weekly limits before the first day of the first one-week period in which such landings are to occur; the notice is binding for entire one-month periods (defined as two consecutive two-week periods). This notice of intent may be canceled by notifying the appropriate State in writing prior to the one-week period in which this rescission is to occur. The State of Washington must receive a written notice declaring intent to use the twice-weekly limits postmarked at least seven days before the first day of the first one-week period in which such landings are to occur. This notice of intent may be canceled by notifying the State in writing postmarked at least seven days prior to the calendar month in which this rescission is to occur. Notifications must be submitted to the same addresses given in paragraph (4)(b) of this section for biweekly trip limits.

(5) *Restrictions on the Sebastes complex caught south of Coos Bay.*

No more than 40,000 pounds of the *Sebastes* complex may be taken and retained, possessed, or landed, per vessel per fishing trip south of Coos Bay. There is no limit on the number of landings allowed per week of the *Sebastes* complex caught south of Coos Bay.

Other Fisheries

These limits for widow rockfish and the *Sebastes* complex apply to vessels of the United States, including those vessels delivering groundfish to foreign processors. Retention of these species by foreign processing vessels is limited by separate incidental retention allowances established under 50 CFR 611.70.

U.S. vessels operating under an experimental fishing permit issued under § 663.10 also are subject to these restrictions except as may be otherwise specified in the permits.

Landings of groundfish in the pink shrimp and spot and ridgeback prawn fisheries are governed by regulations at § 663.28.

Classification

The determination to impose these fishing restrictions is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until the end of the comment period.

These actions are taken under the authority of §§ 663.22 and 663.23, and are in compliance with Executive Order 12291. The actions are covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

Section 663.23 of the groundfish regulations states that the Secretary will publish a notice of action reducing fishing levels in proposed form unless he determines that prior notice and public review are impracticable, unnecessary, or contrary to the public interest. If current fishing rates continue, the optimum yield quota for widow rockfish will be reached by the end of 1985. Prompt action to lower those fishing rates is necessary to reduce the probability of year-end closure of the widow rockfish fishery in 1985. Consequently, further delay of this action is impracticable and contrary to the public interest, and this action therefore is taken in final form effective July 21, 1985. However, prior comment will be accepted before moving the *Sebastes* complex management line north to Coos Bay.

The public has had opportunity to comment on these actions at the Groundfish Select Group, Groundfish Management Team, and Council meetings in April, June, and July 1985 that generated the management actions endorsed by the Council and the Secretary. Further public comments will be accepted for 15 days after publication of this notice in the **Federal Register**.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

(16 U.S.C. 1801 *et seq.*)

Dated: July 19, 1985.

Carmen J. Blondin,

Deputy Assistant Admininstrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85-17560 Filed 7-19-85; 12:50 pm]

BILLING CODE 3510-22-M

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50 CFR Part 681

[Docket No. 50460-5060]

Western Pacific Spiny Lobster Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: The Secretary of Commerce (Secretary) extends an emergency rule now in effect to resolve an enforcement problem for spiny lobsters in the Western Pacific. It defines a legal-sized spiny lobster by a tail-width measurement and eliminates any tolerance for undersized spiny lobsters. The intended effect is to make it easier to enforce the regulations and monitor the landings of spiny lobsters.

DATES: Suspension of the definition of *Tail width* in § 681.2 and of § 681.21 (a) and (b) is extended from July 24, 1985, to October 22, 1985. The effective date of the emergency definition of *Tail width* and of § 681.21(c) is extended from July 24, 1985, to October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Robert T.B. Iverson, 808-955-8831.

SUPPLEMENTARY INFORMATION: Under section 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary issued an emergency rule (50 CFR 18264, April 30, 1985) amending the Fishery Management Plan for the Spiny Lobster Fisheries of the Western Pacific Region and its implementing regulations. This rule defined the tail-width measurement to be used to determine a legal-sized spiny lobster and eliminated the existing 15 percent tolerance for undersized lobsters in the catch. The previous method of measuring spiny lobsters proved unworkable and some fishermen were deliberately taking undersized lobsters up to the tolerance limit, as described in the preamble to the emergency rule. Public comments were invited on this rule for 30 days after filing. No comments were received.

The Western Pacific Fishery Management Council has voted to extend this emergency rule for an additional 90 days, since the conditions requiring the original emergency rule still exist.

The emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided for in section 8(a)(1) of that order. This rule is being reported to the Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 681

Fish, Fisheries, Reporting requirements.

Dated: July 19, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85-17559 Filed 7-19-85; 12:51 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 142
Wednesday, July 24, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Fresh Tomatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action would amend the voluntary United States Standards for Grades of Fresh Tomatoes. Industry representatives have requested that the grade standards be amended to change the size requirements and the generic size designations. Adoption of the requested changes would provide industry with size designations in line with current sizing capabilities.

DATE: Comments must be received on or before September 23, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: David L. Priester, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5410.

SUPPLEMENTARY INFORMATION: This rule had been reviewed under USDA Procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It would not result in an annual effect on the economy of $100 million or more. There would be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It would not result in significant effects on competition, employment, investments, productivity, innovations, the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The voluntary United States Standards for Grades of Fresh Tomatoes were last amended in March 1976. Industry representatives have requested that the standards be amended to change the size requirements and the generic size designations.

	Minimum diameter	Maximum diameter
Current		
Extra small	1 5/32	2 1/32
Small	2 1/32	2 5/32
Medium	2 5/32	2 11/32
Large	2 11/32	2 15/32
Extra large	2 15/32	3 1/32
Maximum large	3 1/32	
Proposed		
Small	2 5/32	2 15/32
Medium	2 5/32	2 11/32
Large	2 11/32	2 15/32
Extra large	2 15/32	3 1/32
Maximum large	3 1/32	

The recent introduction of commercially important varieties that tend to be characteristically oblong as opposed to the more spherical shape of traditional varieties is presenting difficulties in sizing to meet size requirements. Adoption of the proposed changes would significantly lessen this difficulty and promote more uniform trading practices.

This proposal would also add to the combination grade (U.S. No. 1—U.S. No. 2) the provision that individual containers shall not have more than 10 percent less than the percentage of the U.S. No. 1 grade specified. This provision was unintentionally omitted in a prior amendment of the standards. The reference to USDA's color photo Visual Aid TM-L-1 would be updated.

List of Subjects in 7 CFR Part 51

Agricultural commodities.

PART 51—[AMENDED]

Acordingly, it is proposed that 7 CFR Part 51 be amended as follows:

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended. 1090 as amended; 7 U.S.C. 1622-1624.

Subpart—United States Standards for Grades of Fresh Tomatoes.

§ 51.1859 [Amended]

2. Section 51.1859 Table I would be revised to read as follows:

* * * * *

TABLE I

Size designations	Inches		Millimeters	
	Minimum diameter [1]	Maximum diameter [2]	Minimum diameter [1]	Maximum diameter [2]
Small	2 5/32	2 15/32	55	59
Medium	2 5/32	2 19/32	57	65
Large	2 19/32	2 25/32	64	71
Extra large	2 25/32	32 11/32	70	88
Maximum large	3 1/32		87	

[1] Will not pass through a round opening of the designated diameter when tomato is placed with the greatest transverse diameter across the opening.
[2] Will pass through a round opening of the designated diameter in any position.

§ 51.1860 [Amended]

4. Section 51.1860 paragraph (d) would be revised to read as follows:

* * * * *

(d) U.S.D.A. VISUAL AID TM-L-1 (Color photo classification chart), which illustrates the color classifications set forth above, may be purchased from the John Henry Co., Lansing, Michigan or it may be viewed either at the Agricultural Marketing Service, Fruit and Vegetable Division, Washington, D.C. or at any of its field offices.

§ 51.1861 [Amended]

5. Section 51.1861 paragraph (b)(2)(iv) would be added to read as follows:

* * * * *

(b) * * *

(2) * * *

(iv) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U.S. No. 1 grade specified in the combination grade and, individual containers shall not have more than ten percent less than the

percentage of U.S. No. 1 grade specified: Provided, that the entire lot averages within the percentage specified.

* * * * *

Done in Washington, D.C. on: July 19, 1985.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 85-17542 Filed 7-23-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

Raisins Produced From Grapes Grown in California; Establishment of Incoming Weight Dockage and Weight Adjustment Systems for Certain Seedless Raisins, and Addition of Incoming and Outgoing Grade Standards for Cluster Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the proposed establishment of: (1) A weight dockage system for certain seedless raisins which do not meet incoming maturity requirements, to mitigate the impact of tighter requirements scheduled to take effect August 1, 1985; (2) a weight adjustment system, based on moisture content, for certain seedless raisins to foster the delivery of drier raisins; and (3) incoming and outgoing grade standards for Cluster Seedless raisins to increase consumer confidence in this relatively new product. These proposals were recommended by the Raisin Administrative Committee (Committee), which works with the USDA in administering the order.

DATE: Comments must be received by August 7, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Telephone Number (202) 447-5053.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposal will not have a significant economic impact on a substantial number of small entities.

This proposal would amend Subpart—Supplementary Regulations (7 CFR 989.210—989.221) by revising § 989.210 and by adding §§ 989.211, 989.212, and 989.213 to establish (1) a weight dockage system for Grade B or better maturity[1] and (2) a weight adjustment system for moisture for certain seedless raisins delivered by producers to packers. It would also amend Subpart—Quality Control (7 CFR 989.701-989.702) by revising §§ 989.701 and 989.702 to establish incoming and outgoing quality standards for Cluster Seedless raisins. These subparts are operative pursuant to the marketing agreement and Order No. 989, both as amended, regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order, hereinafter referred to collectively as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Authority for the following proposals is contained in §§ 989.58 and 989.59 of the order.

Last year changes were made in the incoming grade standards for raisins delivered by producers to packers contained in § 989.701 and the grade standards for packed raisins contained in § 989.702 to make the California raisin industry more quality competitive with foreign producers, and to increase user acceptance of California raisins (49 FR 33992). One of those changes, starting November 15, 1985, requires packed Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, Golden Seedless, and Monukka raisins to contain at least 70 percent Grade B or better maturity raisins. The current Grade B or better standard for packed raisins is 62.5 percent. Beginning August 1, 1985, raisin lots of those varietal types delivered by producers to packers must contain a minimum of 50 percent Grade B or better maturity raisins. Raisin lots containing less than 50 percent Grade B or better maturity raisins would be off-grade and could not be acquired by raisin packers except for reconditioning or disposition as off-grade raisins.

To alleviate the impact on producers as much as possible in delivering raisins to packers, the Committee has now proposed a weight dockage system for Grade B or better maturity for those raisins delivered failing to meet the new incoming standard. Under the proposal, raisin packers could acquire lots of those varietal types of raisins with 40 to 49.9 percent Grade B or better maturity without reconditioning, but the net weight of the deliveries would be docked 2 percentage points in weight for each one percentage point the Grade B or better maturity content is less than 50 percent. The weight reduction of the lot would approximate the weight of the raisins needed to be removed from the lot by the packer during normal processing for the balance of the lot to meet the new 70 percent Grade B or better maturity taking effect on November 15, 1985. Deliveries determined to have less than 40 percent Grade B or better maturity would be off-grade and thus would have to be disposed of by the packer as off-grade, reconditioned, or returned to the producer. If these raisins were acquired under a dockage system, packers would experience higher than normal yield losses, and greater processing costs in obtaining a product that would meet the 70 percent Grade B or better maturity for packed raisins.

No changes were proposed in the incoming standards for substandard raisins[2] of those varietal types. The current tolerance for substandard raisins is 5 percent with a dockage system prescribing a 1 percent weight deduction for each 1 percent substandard in excess of 5.1 percent up to 10 percent. Deliveries with more than 10 percent are off-grade and require reconditioning before they can be acquired by packers. In the absence of reconditioning, the raisins are returned to the producer, or disposed of by packers as off-grade raisins.

The amount of dockage under the proposed dockage system for Grade B or better maturity and the system currently in effect for substandard raisins would operate concurrently under the proposal. Dockage for both categories would be calculated and the highest dockage would be applied to the net weight of the producers deliveries.

The proposed weight adjustment system for moisture is intended to encourage raisin producers to deliver

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[1] For the purposes of this document Grade B or better maturity raisins are raisins which are well-matured or reasonably well-matured as defined in the U.S. Standards for Grades of Processed Raisins (7 CFR 52.1841-52.1858).

[2] For the purposes of this document, substandard raisins are raisins which are less than fairly well-matured as defined in the United States Standards for Grades of Processed Raisins (7 CFR 52.1841-52.1858).

drier Natural (sun-dried) Seedless and Monukka raisins to packers (i.e., in the 10 to 14 percent moisture range). The industry has found that higher maturity raisins of these varietal types with a moisture level in excess of 14 percent tend to sugar if held in storage for extended periods of time. Sugaring is an undesirable condition in raisins because the raisins feel gritty, rather than soft and pliable, when eaten. Increasing the storage life of raisins is important to the industry because of the industry's current burdensome supply situation and the potential for continued large productions in the immediate future. This situation will result in raisins being held for longer periods of time in the industry's reserve pools.

Under this system, growers delivering lots of raisins containing 14.1 through 16.0 percent moisture would be docked 2 pounds of raisins per ton for each 1/10 percent moisture in excess of 14 percent. Growers delivering raisins with 12.0 through 13.9 percent moisture, would receive a weight credit of 2 pounds of raisins per ton for each 1/10 percent moisture under 14.0 percent. Raisins with a moisture percentage of 10.0 through 11.9 percent would receive a weight credit of 40 pounds per ton. The weight of raisins containing less than 10 percent moisture would not be docked or adjusted because such raisins are difficult to hydrate, damage in processing, and result in increased packer processing costs. There would be no dockage or adjustment on raisins containing 14 percent moisture.

The moisture adjustment calculations will be made when applicable prior to the application of substandard or Grade B or better maturity dockage.

Last year, the Committee exempted 10 tons of Cluster Seedless raisins from all order requirements pursuant to § 989.60 of the order. Cluster Seedless raisins are sun-dried Thompson Seedless grapes which are marketed unstemmed and left in bunches. About 3 to 4 tons were marketed under this exemption. Experiments were conducted to determine the grade and condition standards which could be applied to Cluster Seedless raisins. As a result of marketing experience gained last year, and experimentation on quality requirements, 100 tons were approved for exemption from volume controls for the 1985 season. However, the Committee recommended that incoming and outgoing standards for Cluster Seedless raisins should be established under the order to assure consumers of a quality product and help expand markets for this new product. Also, this would allow the industry another year's experience before recommending standards to the Department to be established in the United States Standards for Processed Raisins.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, and California.

1. The authority citation for 7 CFR Part 989 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 989.210 of Subpart—Supplementary Regulations (7 CFR 989.210–989.221) is revised to read as follows:

Subpart—Supplementary Regulations

§ 989.210 Handling of varietal types of raisins acquired pursuant to a weight dockage and/or weight adjustment (moisture) system.

(a) *General.* A handler may acquire as standard raisins lots of Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, Sultana, Zante Currant and Muscat (including other raisins with seeds) raisins under the weight dockage and/or weight adjustment (moisture) provisions described in §§ 989.211, 989.212, and 989.213. The creditable weight of each lot of raisins acquired in this manner shall be that obtained by multiplying the net weight of the raisins in the lot by the applicable factor(s) from the appropriate dockage and/or weight adjustment (moisture) table(s) included in those sections.

(b) *Free and reserve tonnage percentages.* Whenever free and reserve percentages are designated for raisins of the varietal types specified in paragraph (a) of this section for a crop year, such percentages shall be applicable to the creditable weight of any lot of such raisins acquired by a handler pursuant to a weight dockage and/or weight adjustment (moisture) system.

(c) *Reserve tonnage.* A handler may hold as reserve tonnage raisins, any lot, or portion thereof, of raisins of the varietal types specified in paragraph (a) of this section acquired pursuant to a weight dockage and/or weight adjustment (moisture) system: *Provided,* That only the creditable weight of such lot, or portion thereof, may be applied by the Committee against the handler's reserve tonnage obligation.

(d) *Assessments.* Assessments on any lot of raisins of the varietal types specified in paragraph (a) of this section acquired by a handler pursuant to a weight dockage and/or weight adjustment (moisture) system shall be applicable to the free tonnage portion of the creditable weight of such lot.

(e) *Payments for services on reserve tonnage.* Payment to a handler for services performed by him with respect to reserve tonnage raisins of the varietal types specified in paragraph (a) of this section acquired pursuant to a weight dockage and/or weight adjustment (moisture) system shall be made on the basis of the creditable weight of such lot and at the applicable rate specified for such services in § 989.401 of Subpart—Schedule of Payments.

(f) *Identification.* Any lot of raisins of the varietal types specified in paragraph (a) of this section acquired pursuant to a weight dockage and/or weight adjustment (moisture) system shall be so identified by the inspection service affixing to one container on each pallet, or to each bin, in such lot, a prenumbered RAC control card (to be furnished by the Committee) which shall remain affixed to the container or bin until the raisins are processed or disposed of as natural condition raisins. The control card shall only be removed by, or under the supervision of an inspector of, the inspection service, or authorized Committee personnel.

(g) *Application of dockage and/or weight adjustment (moisture) factor(s).* The weight adjustment factor for moisture shall be applied to the net weight of raisins acquired, prior to application of the dockage factor for substandard or maturity. A lot of raisins acquired which may be subject to both a substandard and maturity dockage factor shall have only the highest of the two dockage factors applied to determine the creditable weight.

3. A new § 989.211 is added to Subpart—Supplementary Regulations (7 CFR 989.210–989.221) to read as follows:

§ 989.211 Weight adjustment (moisture) system.

(a) *General.* Natural (sun-dried) Seedless, and Monukka raisins containing from 14.1 percent through 16.0 percent moisture or from 10.0 percent through 13.9 percent moisture may be acquired by a handler under a weight adjustment system. The creditable weight of each lot of raisins acquired under this adjustment system shall be obtained by multiplying the net weight of the raisins in the lot by the applicable factor prescribed in paragraph (b) or (c) of this section.

(b) *Adjustment table for Natural (sun-dried) Seedless and Monukka raisins with 14.1 percent through 16.0 percent moisture:*

Percent moisture	Adjustment factor
16.0	.980
15.9	.981
15.8	.982
15.7	.983
15.6	.984
15.5	.985
15.4	.986
15.3	.987
15.2	.988
15.1	.989
15.0	.990
14.9	.991
14.8	.992
14.7	.993
14.6	.994
14.5	.995
14.4	.996
14.3	.997
14.2	.998
14.1	.999
14.0	1.000

NOTE.—No adjustment for deliveries at 14 percent and in excess of 16 percent.

(c) *Adjustment table for Natural (sun-dried) Seedless and Monukka raisins with 10.0 percent through 13.9 percent moisture:*

Percent moisture	Adjustment factor
14.0	1.000
13.9	1.001
13.8	1.002
13.7	1.003
13.6	1.004
13.5	1.005
13.4	1.006
13.3	1.007
13.2	1.008
13.1	1.009
13.0	1.010
12.9	1.011
12.8	1.012
12.7	1.013
12.6	1.014
12.5	1.015
12.4	1.016
12.3	1.017
12.2	1.018
12.1	1.019
12.0-10.0	1.020

NOTE.—No adjustment for deliveries at 14 percent and below 10 percent.

4. A new § 989.212 is added to Subpart—Supplementary Regulations (7 CFR 989.210—989.221) to read as follows:

§ 989.212 Substandard docket.

(a) *General.* Subject to prior agreement between handler and tenderer, Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless and Monukka raisins containing from 5.1 through 10.0 percent, by weight, of substandard raisins may be acquired by a handler under a weight dockage sysem. A handler also may, subject to prior agreement, acquire as standard raisins any lot of Muscat (including other raisins with seeds), Sultana, and Zante Currant raisins containing more than 12 percent, by weight, of substandard raisins under a dockage system. The creditable weight of each lot of raisins acquired under the substandard dockage system shall be obtained by multiplying the applicable net weight or creditable weight (weight determined by applyng the applicable weight adjustment factor for moisture), of the lot of raisins by the applicable dockage factor from the appropriate dockage table prescribed in paragraph (b) or (c) of this section.

(b) *Substandard dockage table applicable to Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins.*

Percent substandard	Dockage factor
5.5 or less	(1)
5.1	.999
5.2	.998
5.3	.997
5.4	.996
5.5	.995

(1) No dockage.

NOTE.—Percentages in excess of the last percentage shown in the table shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be .001 less than the dockage for the preceding increment. No dockage for deliveries in excess of 10 percent substandard.

(c) *Substandard dockage table applicable to Muscat (including other raisins with seeds), Sultana, and Zante Currant raisins.*

Percent substandard	Dockage factor
12.0 or less	(1)
12.1	.999
12.2	.998
12.3	.997
12.4	.996
12.5	.995

(1) No dockage.

NOTE.—Percentage in excess of the last percentage shown in the table shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be .001 less than the dockage factor for the preceding increment.

5. A new § 989.213 is added to Subpart—Supplementary Regulations (7 CFR 989.210–989.221) to read as follows:

§ 989.213 Maturity dockage.

(a) *General.* Subject to prior agreement between handler and tenderer, Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins containing from 40.0 through 49.9 percent, by weight, of well-matured or reasonably well-matured raisins may be acquired by a handler under a weight dockage system, the creditable weight of each lot of raisins acquired under the maturity dockage system shall be obtained by multiplying the applicable net weight or creditable weight (weight determined by applying the applicable weight adjustment factor for moisture) of the lot of raisins by the applicable dockage factor from the dockage table prescribed in paragraph (b) of this section.

(b) *Maturity dockage table applicable to Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins.*

Percent well-matured or reasonably well-matured	Dockage factor
50.0 or more	(1)
49.9	.998
49.8	.996
49.7	.994
49.6	.992
49.5	.990
49.4	.988
49.3	.986
49.2	.984
49.1	.982
49.0	.980

(1) No dockage.

NOTE. Percentages less than the last percentage shown in the table shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be .002 less than the dockage factor for the preceding increment. No dockage shall apply to lots of raisins containing 39.9 percent or less well-matured or reasonably well-matured raisins.

6. The preamble of § 989.701 and § 989.701(a) of Subpart—Quality Control (7 CFR 989.701–989.702) are revised to read as follows:

Subpart—Quality control

§ 989.701 Minimum grade and condition standards for natural condition raisins.

Effective pursuant to § 989.58, raisins meeting the varietal standards hereinafter set forth shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as a mixed lot and as standard raisins if they meet for each defect the most restrictive requirements for the varietal types of raisins comprising the lot. In the event layered Muscats (including other raisins with seeds) or Cluster Seedless raisins are commingled within their containers with loose Muscats (including other raisins with seeds) or loose Cluster Seedless raisins respectively, the entire lot shall be considered as loose Muscats (including other raisins with seeds) or Natural (sun-dried) Seedless raisins. The raisins shall be considered as standard raisins if the lot as a whole meets the minimum standards for loose Muscats (including other raisins with seeds) or Natural (sun-dried) Seedless raisins: *Provided,* That with respect to the requirements peculiar to a varietal type such as possessing characteristic color, flavor, or odor, the raisins shall be considered as meeting such requirements if they have been properly prepared as raisins. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation, and are in

such condition that they are capable of being received, stored, and packed without undue deterioration or spoilage, shall be considered as storable raisins.

(a) *Natural (sun-dried) Seedless and Monukka raisins.* Natural condition Natural (sun-dried) Seedless and Monukka raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall have a normal characteristic color, flavor, and odor of properly prepared raisins; (3) shall contain not more than 5 percent, by weight, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes), and shall also contain at least 50 percent well-matured or reasonably well-matured raisins; (4) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method, except that there shall be no maximum moisture content for Cluster Seedless raisins; and (5) shall be of such quality and condition as can be expected to withstand storage as provided in the order and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee, and that with respect to Cluster Seedless raisins, in addition to the above requirements the raisins shall be fairly free from shattered (or loose end) berries, and be uniformly cured; shall contain 30 percent or more "2 Crown" or larger size berries; and shall be of such quality and condition that when processed in accordance with good commercial practice will, except for moisture content, meet the minimum standards for processed raisins established by the Committee.

* * * * *

7. Section 989.702(g) of Subpart—Quality Control (7 CFR 989.701–989.702) is revised and a new § 989.702(h) is added to read as follows:

§ 989.702 Minimum grade standards for packed raisins.

* * * * *

(g) *Cluster Seedless raisins.* (1) *Description.* Raisins referred to as "Cluster Seedless raisins" means the raisins have not been detached from the main bunch. Cluster Seedless raisins shall at least meet the requirements of Grade B prescribed in this paragraph. The processed raisins are prepared from clean, sound, dried grapes; are stored or cleaned, or both, and are washed with water to assure a wholesome product.

(2) *Grades.* (i) Grade A is a quality of Cluster Seedless raisins that have similar varietal characteristics; have a good typical color; have a good characteristic flavor; are uniformly cured and show development characteristics of raisins prepared from well-matured grapes; contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are "2 Crown" size or larger and meet the additional requirements as outlined in the table in subparagraph (2)(iv) of this paragraph.

(ii) Grade B is the quality of the Cluster Seedless raisins that have similar varietal characteristics; have a reasonably good typical color; have a good characteristic flavor; are uniformly cured and show characteristics of raisins prepared from reasonably well-matured grapes; contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of raisins, exclusive of stems and branches, are "2 Crown" size or larger and meet the additional requirements as outlined in the table in subparagraph (2)(iv) of this paragraph.

(iii) Substandard is the quality of Cluster Seedless raisins that fail to meet the requirements of Grade B.

(iv) Allowances for defects in Cluster Seedless raisins:

Defects	Marketing order grade A	Marketing order grade B
	Maximum (percent by weight)	
Sugared	5	10
Discolored, damaged, or moldy	5	7
Provided these limits are not exceeded:		
Damaged	3	4
Moldy	2	3
Substandard Development and Undeveloped:	2	5
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each	Practically free	Reasonably free
	Appearance or edibility of product	
Slightly discolored or damaged by fermentation or any other defect not described above	May not be affected	May not be more than slightly affected
Dirt, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product	

(h) A handler may grind raisins which do not meet the minimum grade standards prescribed in paragraph (a) through (g) of this section because of mechanical damage or sugaring, into a raisin paste.

Dated: July 18, 1985.

Thomas R. Clark,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 85-17544 Filed 7-23-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 1032 and 1050

Milk in the Southern Illinois and Central Illinois Marketing Areas; Proposed Suspension of Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain diversion provisions of the Southern Illinois and Central Illinois orders that relate to how much milk may be moved directly from farms to nonpool plants and still be priced under the orders. The proposed action would remove the limits on such movements of milk under each of the orders during August 1985. The action was requested by Prairie Farms Dairy, Inc., a cooperative association that represents producers who supply each of the markets. The cooperative contends that the action is necessary to assure the efficient disposition of an increasing supply of milk production by producers who have regularly supplied the fluid milk needs of the respective markets.

DATE: Comments are due not later than July 31, 1985.

ADDRESS: Comments (two copies) should be sent to: Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture Washington, D.C. 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk price under the orders and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the orders regulating the handling of milk in the Southern Illinois and Central Illinois marketing areas is being considered for the month of August 1985:

1. In 7 CFR Part 1032 (Sourthern Illinois) in § 1032.13(b)(2), the words "on any day during the months of May, June, and July during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer".

2. In 7 CFR Part 1050 (Central Illinois):

a. In § 1050.13(d)(1), the words "During May, June and July".

b. In § 1050.13, paragraphs (d) (2) (3), (4) and (5).

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the **Federal Register**. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures to make the suspension effective for August 1985.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would remove the limits on the amount of milk that may be moved directly from farms to nonpool plants and still be priced under the Southern Illinois and Central Illinois orders during August 1985. During August, such movements of milk to nonpool plants under the Southern Illinois order are limited to not more than 12 days' production of a producer. Under the Central Illinois order, diversions to nonpool plants may not exceed the number of days of production that is received at pool plants, provided that the total quantity of producer milk diverted does not exceed 35 percent of the amount of milk physically received at pool plants.

The suspension was requested by Prairie Farms Dairy, Inc., a cooperative association that supplies milk to handlers regulated under each of the orders. The cooperative association contends that the action is necessary to assure the efficient disposition of an increasing supply of milk to nonpool manufacturing plants for use in manufactured products. The cooperative indicates that milk production is significantly above year-earlier levels and that a greater proportion of the available milk supplies will have to be shipped to manufacturing plants than can be accommodated under the current diversion provisions of the orders. The cooperative indicates that a relaxation of the diversion provisions will permit the efficient disposition of available milk supplies during August and provide market participants with sufficient time to evaluate the production and sales relationships for the markets to make appropriate marketing adjustments prior to September. In the absence of a suspension action, it is likely that costly and inefficient movements of milk would have to be made solely for the purpose of pooling the milk of dairy farmers who have regularly supplied the fluid milk needs of the respective markets.

List of Subjects in 7 CFR Parts 1032 and 1050

Milk marketing orders, Milk, Dairy products.

The authority citation for 7 CFR Parts 1032 and 1050 continues to read as follows:

Authority: (Secs. 1–19, 48 Stat. 31, as amended ; U.S.C. 601–674).

Signed at Washington, D.C., on July 18, 1985.

Eddie F. Kimbrell,

Deputy Administrator Commodity Services.

[FR Doc. 85–17584 Filed 7–23–85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1036

[Docket No. AO–179–A49]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider several proposals to amend the Eastern Ohio-Western Pennsylvania milk order. The principal proposals would establish a single Class I price differential throughout the marketing area and within Pennsylvania at the present Zone 2 price level and reduce the pooling requirements for cooperative balancing plants. Other proposals would relax certain requirements related to the limits on the amount of milk that may be moved directly from producer farms to nonpool manufacturing plants and allow temporary revision of pooling requirements for pool supply and cooperative balancing plants when temporary aberrations occur in the market's supply-demand conditions. Proponents contend that the modifications are needed to reflect changed marketing conditions.

DATE: The hearing will convene at 9:30 a.m. on August 7, 1985.

ADDRESS: The hearing will be held at the Holiday Inn Strongsville, 15471 Royalton Road, Strongsville, Ohio 44136, (212) 238–8800.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Holiday Inn Strongsville, 15471 Royalton Road, Strongsville, Ohio 44136, beginning at 9:30 a.m., on August 7, 1985, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Pub. L. 96–354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties, subject to a

milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

Proposal No. 1 would eliminate the present pricing zones of the marketing area. However, the proposal does not open for consideration at the hearing any changes in the presently defined marketing area.

List of Subjects in 7 CFR Part 1036

Milk Marketing Orders, Milk, Dairy products.

The authority citation for Part 1036 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Marketing, Inc.

Proposal No. 1

Amend § 1036.2, *Eastern Ohio-Western Pennsylvania marketing area,* by deleting "Zone 1" in paragraph (a), "Zone 2" in paragraph (b), "Zone 3" in paragraph (c), and "Zone 4" in paragraph (d).

Proposal No. 2

Amend § 1036.7(b), *Pool Plant,* to provide that:

The percentages specified in this paragraph may be increased or decreased by up to 10 percentage points by the director of the Dairy Division if he/she finds that such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either on his/her own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that revision is being considered and invite data, views or arguments in favor of or in opposition to the proposed revision.

Proposal No. 3

Amend § 1036.7 by deleting the present provisions of paragraph (d) and substituting the following:

Section 1036.7 Pool plant.

* * * * *

(d) A plant(s) operated by a cooperative association, if, during the month, 35 percent or more of the producer milk of members of the association is delivered to distributing pool plants or to nonpool plants when a Class II or Class III classification is not requested. Deliveries for qualification purposes may be made directly from the farm or by transfer from such association's plant. The 35 percent delivery requirement may be met for the current month or it may be met on the basis of deliveries during the preceding 12 month period ending with the current month.

(1) In order for such plant(s) to attain pool status they must also:

(i) Be approved by a duly constituted health authority to handle milk for fluid consumption;

(ii) Have pool status requested by the cooperative association;

(iii) Not qualify as a pool plant under this or any other Federal order as a distributing plant or a supply plant.

(2) The delivery requirements in this paragraph may be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he/she finds that such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision on either his/her own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that revision is being considered and invite date, views, or arguments in favor of or in opposition to the proposed revision.

* * * * *

Proposal No. 4

In § 1036.7, suspend the language in the first sentence of paragraph (d) that reads "is not less than 65 percent in any month of September through April and not less than 50 percent in any other month" until the proceeding on proposal No. 3 is completed.

Proposal No. 5

In § 1036.13, revise paragraphs (f)(1)(ii) and (f)(2)(ii) to read as follows:

Section 1036.13 Producer milk.

* * * * *

(f)(1)(ii) The plant operator may divert an aggregate quantity of milk of producers not exceeding 40 percent of the producer milk received at or diverted from such pool plant.

(f)(2)(ii) The cooperative association may divert an aggregate quantity of milk not exceeding 40 percent of the producer milk that the cooperative association causes to be delivered to pool plants or diverted therefrom.

* * * * *

Proposal No. 6

In § 1036.50(a) change "$1.85" to "$1.90."

Proposal No. 7

Revise § 1036.52 *Plant location adjustments for handlers* by deleting paragraph (a) and changing "At a plant outside the marketing area," to "At a plant outside of Pennsylvania and outside the marketing area," in the beginning of paragraph (b) of that section.

Proposed by National Farmers Organization

Proposal No. 8

In § 1036.7 revise paragraph (d) to read as follows:

(d) A plant(s) operated by a cooperative association if during the month 40 percent or more of the producer milk of members of the association is delivered to pool distributing plants either directly from the farm or by transfer from such association's plant(s), subject to the following conditions:

(1) The cooperative requests pool status for such plant(s);

(2) The 40 percent delivery requirement may be met for the current month or it may be met on the basis of delivery during the preceding 12 month period ending with the current month;

(3) The plant is approved by a duly constituted health authority to handle milk for fluid consumption; and

(4) The plant does not qualify as a pool plant pursuant to paragraph (a) or (b) of this section or pursuant to similar provisions of another Federal order applicable to a distributing plant or supply plant.

Proposal No. 9

In § 1036.7 add a new paragraph (f) to read as follows:

(f) The percentage requirement in paragraphs (b) and (d) of this section may be adjusted monthly by the Secretary in multiples of 5 percentage points: *Provided,* that the adjusted percentage shall not exceed the lesser of the average total Class II and Class III utilization during the immediately preceding 12 months or 50 percent.

Proposal No. 10

In § 1036.13 revise the beginning of paragraphs(e) and (f) to read as follows:

(e) During March through August . . .

(f) During September through February except December . .

Proposal No. 11

In § 1036.13 revise paragraph (f) subparagraph (2) to read as follows:

(2) In any month of September through November and January through February a cooperative association may divert an aggregate quantity of milk not exceeding 40 percent of the producer milk that the cooperative association caused to be physically received at or diverted from pool plants during the month.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 12

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, C. Mack Endsley, P.O. Box 30128, Cleveland, Ohio 44130, or from the Hearing Clerk, Room 1079, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangement may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Eastern Ohio-Western Pennsylvania Marketing Area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on July 19, 1985.

William T. Manley,

Deputy Administrator, Marketing Program.

[FR Doc. 85-17583 Filed 7-23-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-AWP-27]

Proposed Alteration and Redefinition of the Control Zone and Transition Area, Lihue, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter and redefine the control zone and transition area at Lihue, Hawaii. The realignment of the controlled airspace is required to contain all IFR operations at Lihue Airport, Lihue, Hawaii. This action is necessary to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before August 31, 1985.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, AWP-530, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

The official docket may be examined in the Office of the Western-Pacific Regional Counsel, Room 6W14, at 15000 Aviation Boulevard, Hawthorne, California.

An informal docket may be examined during normal business hours at the Airspace and Procedures Branch, Room 6E4, at the above address.

FOR FURTHER INFORMATION CONTACT: Curtis Alms, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, California 90261; telephone (213) 536-6649.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submiting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-AWP-27." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above, both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace and Procedures Branch, 15000 Aviation Boulevard, Hawthorne, California 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide realignment of the Lihue Airport, Lihue, Hawaii, Control Zone and the Lihue, Hawaii, Transition Area to accommodate aircraft executing IFR arrival and departure operations at Lihue Airport, Lihue, Hawaii. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034;

February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the FAR as follows:

1. The authority citation for Part 71 is revised to read as follows:

Authority: 49 U..C. 1348(a) and 1354(a); 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.171 is amended as follows:

Lihue Airport, Lihue, Hawaii, Control Zone—[Revised]

"Within a 5-mile radius of Lihue Airport (lat. 21°58'46" N., long. 159°20'31" W.); beginning at lat. 21°54'30" N., long. 159°22'20" W.; thence clockwise to lat. 22°03'00" N., long. 159°22'00" W.; to lat. 22°06'30" N., long. 159°21'00" W.; to lat. 22°05'20" N., long. 159°15'30A" W.; to lat. 21°57'00" N., long. 159°16'40" W.; to lat. 21°50'20" N., long. 159°15'30" W.; to lat. 21°49'20" N., long. 159°22'00" W.; thence to the point of beginning."

3. Section 71.181 is amended as follows:

Lihue Airport, Lihue, Hawaii, Transition Area—[Revised]

"That airspace extending upward from 700 feet above the surface beginning at lat. 22°03'30" N., long. 159°15'30" W.; thence clockwise via the 8-mile radius circle of the Lihue Airport (lat. 21°58'46" N., long. 159°20'31" W.); to lat. 21°53'20" W., long. 159°15'50" W.; to lat. 21°57'00" N., long. 159°16'40" W.; thence to the point of beginning."

Issued in Los Angeles, California on July 9, 1985.

H.C. McClure,

Director, Western Pacific Region.

[FR Doc. 85-17541 Filed 7-23-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM85-19-000]

Generic Determination of Rate of Return on Common Equity for Public Utilities; Proposed Rulemaking

Issued: July 19, 1985.

AGENCY: Federal Energy Regulatory Commission; DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission hereby institutes a proceeding under Part 37 of its regulations. The purpose of this proceeding is to determine an estimate of the average cost of common equity for the jurisdictional operations of public utilities for the year ending June 30, 1985 and a quarterly indexing procedure to establish benchmark rates of return on common equity for use in individual rate cases.

DATES: Any person wishing to participate in this proceeding must file a notice of intent by August 2, 1985. Initial comments addressing the issues in this proceeding are due on or before August 30, 1985 and reply comments are due on or before September 30, 1985.

ADDRESSES: All filings should reference Docket No. RM85-19-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Ronald L. Rattey, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8015.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is instituting the second annual proceeding under Part 37 of its regulations. In this proceeding, the Commission will determine (1) the average cost of common equity for the jurisdictional operations of public utilities[1] for the year ending June 30, 1985 (hereinafter "base year") and (2) a quarterly indexing procedure to establish benchmark rates of return on common equity for use in individual rate cases. These determinations will be advisory only.

[1] The term "public utility" and "electric utility" are used interchangeably.

II. Background

In July 1984, the Commission amended its regulations by adding procedures for determining benchmark rates of return on common equity for jurisdictional electric utilities and for applying them in individual cases.[2] Essentially the procedures provide that the Commission have annual proceedings to determine the average cost of common equity and a method for updating this cost estimate quarterly until the next proceeding.

The benchmark rates of return established in the first two annual proceedings are advisory only. They should provide guidance to parties and serve as a point of departure for the Commission in setting allowed rates of return. The record in each case will determine the weight accorded these rates of return.

The benchmark rates of return resulting from the third annual proceeding, however, will be given the status of a rebuttable presumption. In other words, it will be presumed that the allowed rate of return in an individual rate case should be the benchmark rate of return in effect at the time of filing. The three conditions under which the benchmark may be rebutted are (1) a showing of significantly different than average risk, (2) a settlement by the parties based on a different rate of return, or (3) a finding of undue discrimination requiring a different rate of return.

These procedures are intended to produce more accurate and consistent rate of return decisions, to involve the Commission on an ongoing basis in a consideration of the financial and operating circumstances of the industry, and, ultimately, to reduce the resources devoted to this issue by applicants, intervenors and the Commission.

The Commission concluded its first annual proceeding in Docket No. RM84-15-000 with the issuance of Order No. 420.[3] In that proceeding, the Commission estimated that the average cost of common equity for the jurisdictional operations of public utilities during the year ending June 30, 1984 was 15.31 percent. The Commission also chose a quarterly indexing procedure for updating the cost of common equity and establishing benchmark rates of return. Using its quarterly indexing procedure,

[2] Generic Determination of Rate of Return on Common Equity for Electric Utilities, 49 FR 29,946 (July 25, 1984) (Docket No. RM80-36-000) (Final Rule) (Order No. 389) (issued July 18, 1984).

[3] Generic Determination of Rate of Return in Common Equity for Public Utilities, 50 FR 21,802 (May 29, 1985) (Docket No. RM84-15-000) (Final Rule) (Order No. 420) (issued May 20, 1985).

the Commission then estimated the cost of common equity for the first calendar quarter of 1985 at 14.46 percent. This rate is the basis for the "advisory" benchmark rate of return applicable to rate filings made during July 1985. The quarterly indexing procedure will also be used to determine "advisory" benchmark rates of return applicable to rate filings made through January of 1986.

The Commission now wishes to estimate the cost of common equity for the "base year" ending June 30, 1985 and to reaffirm or modify the quarterly indexing procedure adopted in the first annual proceeding. The base year cost estimate will provide the basis for the quarterly "advisory" benchmark rates of return applicable to rate filings made from February of 1986 through January of 1987. Also, by comparing this cost estimate with the cost of common equity estimates calculated by using the current quarterly indexing procedure, the Commission can evaluate the reasonableness of its indexing procedure.

For this second proceeding, the Commission proposes:[4]

(1) To place primary reliance on the discounted cash flow (DCF) method for estimating the market required rate of return on common equity;

(2) To use an industry average flotation cost adjustment (reflecting issuance costs only) to the market required rate of return; and

(3) To use a quarterly indexing procedure based on changes in the median dividend yield for a sample of 100 electric utilities.

III. Discussion

A. Market Required Rate of Return

The Commission proposes to place primary reliance on the discounted cash flow (DCF) method for estimating the market required rate of return on common equity. In particular, the Commission proposes to rely on the following constant growth DCF model to determine the average market required rate of return for electric utilities for the year ended June 30, 1985:[5]

$$K = \frac{D_0 (1 + .5g)}{P_0} + g$$

Where

K = market required rate of return

$\frac{D_0}{P_0}$ = current dividend yield (current annual dividend rate divided by current market price)

g = dividend growth rate

(1 + .5g = dividend adjustment factor for quarterly dividend payments

The Commission believes that the adjustment to the current dividend rate embodied in this model best approximates the average amount of dividends paid to (and received by) investors during the first year. In this way, it reasonably adjusts the continuous version of the DCF model for the reality of quarterly dividend payments.

The Commission also proposes that the following procedures be used to compute the dividend yield for the base year estimate of the market required rate of return as well as for the quarterly indexing procedure.[6]

First, the Commission proposes to use the same sample of 100 electric utilities used in its first annual proceeding for three reasons.[7] First, the sample is representative of the electric utility industry as a whole. Second, the relevant price and dividend data are generally available for all of these companies. Finally, the data is readily accessible from more than one source.

Second, the Commission proposes to continue using the following screening criteria in each quarterly calculation to ensure that the data for each company is available and that it can reasonably be employed in a mechanical fashion without producing distorted statistics. That is, companies will be dropped from the sample if:

(i) The company's common stock, through merger or other action, no longer is publicly traded, or

(ii) The company has decreased or omitted a common dividend payment in the current or prior three quarters, or

(iii) The Commission determines on a case-by-case basis that some other occurrence causes the dividend yield for that company to be substantially misleading and bias the resulting quarterly average.

The first screen ensures data availability. If a company is no longer publicly traded, it will not have a current market price (and yield). The second screen eliminates companies whose data would probably be inappropriate in a constant growth DCF model. The third screen gives the Commission the discretion to further eliminate atypical companies when necessary.

The Commission further proposes that the appropriate dividend yield for the industry average cost determination be the median dividend yield for the 100 company sample.[8] The rationale for using the median is based on one of the objectives of the generic approach being to minimize adjudication of the rate of return issue. The Commission believes that the distribution of dividend yields (and, by inference, the distribution of the cost of common equity) for electric utilities is skewed rather than symmetrical. Under this circumstance, the dividend yields (and, presumably, the cost of common equity) for a greater number of utilities is closer to the median than the mean. The median evenly splits utilities so that 50% have dividend yields above the median and 50% have dividend yields below. The Commission also believes that, compared to the mean, the median is less likely to be affected by extreme values in the data.[9]

In computing the dividend yield for each company, the Commission proposes that the dividend rate be the "indicated dividend rate," which is the last declared quarterly dividend times four. This rate approximates the rate at which most companies are paying dividends. The price used in the calculation would be the simple average of the three monthly high and low prices for the quarter. This provides a reasonable estimate of the average price at which the individual stocks were sold during the quarter. The Commission proposes that the median of the quarterly dividend yields for the sample utilities calculated in this manner be used for the base year cost determination and for the quarterly indexing procedure. Of course, the base year cost would use the average of four quarterly dividend yields.

In estimating the (constant) growth rate that would apply to the base year determination of the cost of common equity and serve as a basis for the fixed parameters in the quarterly indexing

[4] Commenters are urged to review the final rule in the first annual proceeding, n. 3, above, for more discussion of the rationale for these proposals.

[5] This is consistent with Order No. 420, 50 FR 21,802, 21,804. However, the Commission does not wish to restrict commenters from presenting other approaches. Other methods can provide useful corroborative evidence. Further, the Commission does not want to foreclose consideration of improvements in existing alternatives or any new and innovative analyses as may be developed in the future.

[6] Order No. 420, 50 FR 21,802, 21,806.

[7] *Id.* at 21,831.

[8] In Docket No. RM84-15-000, the Commission estimated the median dividend yield for each of the four quarters of the base year and then averaged them for the year. The Commission proposes to adopt this same procedure in this proceeding.

[9] Order No. 420, 50 FR 21,802, 21,814.

procedure, the Commission proposes to rely primarily on a fundamental analysis type of approach. That is, it intends to examine and evaluate the two components of dividend growth: Growth from retention of earnings (br) and growth from sales of new common stock (sv).[10] The Commission also intends to look at other methods for estimating the expected growth, including non-constant growth rates, but primarily as corroboration for its basic evaluation using of fundamental analysis.

The Commission requests comments on the above proposals. Are there reasons for the Commission to depart from placing primary reliance on the DCF method? Are the proposals for the model chosen and for determining the components reasonable?

Commenters are especially directed to provide estimates of the market required rate of return using the proposed DCF model and to support all estimates with corroborative evidence. To the extent that alternative models are proposed, commenters are requested to provide a comprehensive explanation of the method and major assumptions used to derive its estimate of the market required rate of return.

B. Flotation Costs

The Commission believes that the utilities should be compensated only for issuance expenses, that is, the out-of-pocket expenses for underwriting, legal work and publishing. This represents a continuation of the Commission's existing policy on flotation costs.[11] The Commission also believes that any adjustment to the market required rate of return should reflect recovery of only the average annual costs, that is, only the costs associated with new stock issues. In addition, it belives that an industry average adjustment to the market required rate is the best way of dealing with these costs since they have a relatively small quantitative impact, the adjustment is subject to forecasting errors, and overrecovery and underrecovery of these costs by individual utilities are offset over time.

The Commission proposes to estimate the adjustment to the required rate of return for flotation costs using the following formula:

$$k^* = \frac{fs}{(1+s)}$$

Where:

k^* = flotation cost adjustment to required rate of return

f = industry average flotation cost as a percent of offering price

s = proportion of new equity expected to be issued annually to total common equity

This formula estimates an adjustment that reflects the average annualized amount of flotation costs incurred by utilities. The resulting adjustment factor would be added to the required rate of return as determined above.

The Commission requests that commenters submit estimates of the parameters in the above formula for estimating the appropriate flotation cost adjustment to the market required rate of return for the base year ending June 30, 1985.

C. Jurisdictional Risk Issue

In the first annual proceeding, the Commission found the record inconclusive on the issue of risk in jurisdictional vis-a-vis retail electric operations. It stated:

> Lower regulatory risks were suggested by some commenters primarily by reference to the relatively high overall ratings, given to the Commission by two investment firms, Merrill Lynch and Salomon Brothers, and by a review of specific Commission policies, such as construction work in progress and tax normalization. On the other hand, the Commission recognizes that regulatory risk may be offset by other types of risks and that it may be a type of risk that can be eliminated through diversification within a portfolio of other stocks.[12]

The Commission further found that no commenter presented a reasonable basis for determinig the appropriate adjustment, if there is a risk difference.

The Commission requests that commenters provide evidence on the issue of whether there is a difference in risk, an estimate of the difference in the cost of common equity due to such difference, if any, between jurisdictional and retail electric operations and an explanation of how that estimate was derived.

D. Quarterly Indexing Procedure

In Docket No. RM84-15-000, the Commission amended Part 37 of its regulations to include § 37.9 which is a quarterly indexing procedure for determining benchmark rates of return on common equity for the jurisdictional operations of electric utilities. The Commission proposes to adopt the same procedure for the current proceeding and requests comments on any changes that would improve the procedure.

In summary, the adopted indexing procedure ties the cost of common equity to changes in utility dividend yields. The benchmark rates of return are set equal to the cost of common equity except where the quarter-to-quarter change in the cost is greater than 50 basis points. The initial benchmark rate established in each annual proceeding, however, will not be subject to the 50 basis point cap.

The dividend yield index is set as the median dividend yield for the 100 company sample for the most recent calendar quarter prior to the period to which the benchmark is intended to apply. The procedures for determining the median dividend yield are the same as those described above with reference to the estimation of the base year cost of common equity. This dividend yield will be used in a formula whose parameters are determined through the base year cost determination. The formula is essentially the DCF model referred to above, adjusted for flotation costs:

$k = a(y) + b$

Where

k = average cost of common equity

$y = \frac{D_0}{P_0}$ = current dividend yield (current dividend rate divided by current market price),

a = 1 + .5g or one plus one-half the growth rate (to adjust the current dividend yield for quarterly dividend payments), and

b = the expected dividend growth rate (g, assumed constant between annual proceedings) plus adjustments for flotation costs and jurisdictional risks, where appropriate.

Commenters are invited to offer changes to any and all aspects of this quarterly indexing procedure.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (Act) requires Federal agencies to consider whether the rule, if promulgated, will have a "significant economic impact on a substantial number of small entities." Nearly all of the jurisdictional utilities which must comply with the rule proposed here are too large to be considered "small entities" within the

[10] Growth from retained earnings, or internal growth, is a function of the expected return on common equity (r) and the expected retention ratio (b). Growth from common stock sales, or external growth, is a function ofhow much stock is expected to be sold (s) and at what price relative to book value (v).

[11] Order No. 420, 50 FR 21,802, 21,809. The Commission invites commenters to address other types of flotation costs in their comments to this proceeding. The Commission notes that, in Docket No. RM89-15-000, it found the record inconclusive on the existence of market pressure and market break costs and rejected any adjustment for such costs.

[12] 50 FR 21,802, 21,809.

meaning of the Act.[13] Also, since the utilities regulated by the Commission hold exclusive selling rights within their service areas and are presumed to be natural monopolies, they dominate their respective fields of operation and cannot be considered to be "small entities" as the term is defined in the Act. The Commission certifies, therefore, that the Act is not applicable to this rule because it will not affect a "substantial number of small entities."

V. Comment Procedures

Interested persons are invited to submit written comments on the issues presented in this notice to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any person wishing to participate in this proceeding should file a notice of intent by August 2, 1985. Each person submitting a notice of intent should include his or her name and address and also the name, mailing address and telephone number of one person to whom communications concerning the notice may be addressed. The Commission will establish a service list of those persons who submit such notices of intent and send it to everyone on the list.

Initial comments are due on or before August 30, 1985 and reply comments are due on or before September 30, 1985. So as to conserve time and avoid unnecessary expense, the Commission urges persons with similar interests to file joint comments. Comments should refer to Docket No. RM85-19-000 on the outside of the envelope and all documents submitted to the Commission. Fourteen conformed copies should be submitted along with the original. Participants are also requested to send a copy of their initial and reply comments to everyone else on the service list. Written comments will be placed in the Commission's public files and will be available for public inspection during regular business hours at the Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 (202/357-8055).

List of Subjects in 18 CFR Part 37

Electric power rates, Electric utilities, Rate of Return.

[13] The Act defines a "small entity" as a small business, a small not-for-profit enterprise, or a small governmental jurisdiction. 5 U.S.C. 601(6) (1982). A "small business" is defined, by reference to Section 3 of the Small Business Act, as an enterprise which is "independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632(a) (1982).

(Federal Power Act, 16 U.S.C. 792-825r (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982))

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18, Code of Federal Regulations.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17446 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 2

[Docket Nos. 84P-0231 and 84P-0268]

Chlorofluorocarbon Propellants in Self-Pressurized Containers; Proposed Essential Uses

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to add to the list of products containing a chlorofluorocarbon for an essential use metered-dose nitroglycerin human drugs and metered-dose cromolyn sodium human drugs, both administered by oral inhalation. The agency is taking this action in response to citizen petitions submitted by the manufacturers of these two products. Each manufacturer requested that its product be added to the list of uses considered essential and established that its product provides unique health benefits unavailable without the use of a chlorofluorocarbon.

DATE: Comments by September 23, 1985.

ADDRESS: Written comments to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ed Farha, Center for Drugs and Biologics (HFN-364), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION:

I. Background

Under § 2.125 (21 CFR 2.125), any food, drug, device, or cosmetic in a self-pressurized container that contains a chlorofluorocarbon propellant for a nonessential use is adulterated or misbranded, or both, under the Federal Food, Drug, and Cosmetic Act (the act). This prohibition is based on scientific research indicating that chlorofluorocarbons may reduce the amount of ozone in the stratosphere and thereby increase the amount of ultraviolet radiation reaching the earth. An increase in ultraviolet radiation may increase the incidence of skin cancer, change the climate, and produce other adverse effects of unknown magnitude on humans, animals, and plants.

Section 2.125(d) exempts from the adulteration and misbranding provisions of § 2.125(c) certain products containing chlorofluorocarbon propellants which FDA determines provide a unique health benefit that would not be available without the use of a chlorofluorocarbon. These products are referred to in the regulation as essential uses of chlorofluorocarbon and are listed in § 2.125(e).

Under § 2.125(f), a person may petition the agency to request additions to the list of uses considered essential. To demonstrate that the use of a chlorofluorocarbon is essential, the petition must be supported by an adequate showing that: (1) there are no technically feasible alternatives to the use of a chlorofluorocarbon in the product; (2) the product provides a substantial health, environmental, or other public benefit unobtainable without the use of the chlorofluorocarbon; and (3) the use does not involve a significant release of chlorofluorocarbons into the atmosphere or, if it does, the release is warranted by the benefit conveyed.

II. Petitions Received by FDA

FDA has received two petitions requesting additions to the list of chlorofluorocarbon uses considered essential. These two petitions, submitted under § 2.125(f) and Part 10 (21 CFR Part 10), are on file and may be seen in the Dockets Management Branch (address above).

One petition was submitted by William H. Rorer, Inc. It requests that § 2.125(e) be amended to include metered-dose glyceryl trinitrate human drugs administered by oral inhalation as an essential use of chlorofluorocarbon. Because the "established name" for glyceryl trinitrate is nitroglycerin, the latter name will be used in this document. The petition contains a discussion supporting the position that there are no technically feasible alternatives to the use of chlorofluorocarbon in the product. The petition states that only a chlorofluorocarbon can result in a product that is stable and that dispenses the required number of doses with acceptable accuracy, reproducibility, and uniformity. In addition, the petition

states that the use of a chlorofluorocarbon propellant is much less flammable than the highly flammable hydrocarbon propellant. The petition also states that the product provides a substantial health benefit that would not be obtainable without the use of the chlorofluorocarbon. In this regard, the petition contains data to support the use of this product by an angina pectoris patient. The petition contends that the delivery system and convenient size of the product would allow the patient to easily use the product and obtain quick relief during an attack without having to open a bottle and fumble with small tablets. The petition also asserts that the use of this product would not involve a significant release of chlorofluorocarbon propellants into the atmosphere because only 49.25 milligrams (mg) would be released per dosage.

The second petition was submitted by Fisons Corp. This petition requests that § 2.125(e) be amended to include metered-dose cromolyn sodium human drugs administered by oral inhalation. The petition contains a detailed discussion supporting the position that there are no technically feasible alternatives to the use of chlorofluorocarbon in the product. It includes data showing that the turbo-inhaler delivery system currently being marketed requires considerable skill to use, making it unsuitable for adults suffering poor inspirational capacity, handicapped and elderly patients, as well as for small children. In addition, the petition asserts that other delivery systems, such as a hand-operated pump, or compressed or other gases could not provide as safe and uniform dispersal of the drug in proper size particles as a chlorofluorocarbon propellant. Also, the petition states that the product provides a substantial health benefit that would not be obtainable without the use of a chlorofluorocarbon. In this regard, the petition contains data to support the use of the product as a prophylactic agent by a wide range of asthma patients, including the handicapped, the elderly, and young children. Further, the petition states that the aerosol formulation would result in a substantial decrease in total drug exposure to the patient. The petition also asserts that metered-dose cromolyn sodium drug product would not result in a significant release of chlorofluorocarbon propellants into the atmosphere because less than 136.6 mg would be released per dosage.

III. FDA's Review of the Petitions

Based on its review of the petitions, the agency tentatively agrees that the use of metered-dose nitroglycerin and metered-dose cromolyn sodium provide special benefits for angina pectoris patients and asthmatic patients, respectively. Further, FDA tentatively agrees that the benefits these products provide would be unavailable without the use of chlorofluorocarbons. Therefore, FDA proposes to amend § 2.125(e) to include metered-dose nitroglycerin human drugs administered by oral inhalation and metered-dose cromolyn sodium human drugs administered by oral inhalation as essential uses of chlorofluorocarbon propellants.

IV. Impact

The agency has determined under 21 CFR 25.24(a)(8) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has carefully analyzed the regulatory impact and regulatory flexibility of the proposed rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354). The proposed rule would merely add two drug products to the list of products containing a chlorofluorocarbon as essential uses, thereby permitting the manufacturing and marketing of these drug products. Therefore, the agency has determined that the proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant impact on a substantial number of samll entities, as defined by the Regulatory Flexibility Act.

Interested persons may, on or before September 23, 1985. Submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 2

Administrative practice and procedure, Cosmetics, Drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Part 2 be amended as follows:

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

1. The authority citation for 21 CFR Part 2 continues to read as follows:

Authority: Sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371), unless otherwise noted.

2. In § 2.125 by adding new paragraph (e)(10) and (11) to read as follows:

§ 2.125 Use of chlorofluorocarbon propellants in self-pressurized containers.

* * * * *

(e) * * *

(10) Metered-dose nitroglycerin human drugs administered by oral inhalation.

(11) Metered-dose cromolyn sodium human drugs administered by oral inhalation.

* * * * *

Dated: July 1, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-17530 Filed 7-23-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 680

[Docket No. 84N-0349]

Additional Standards for Miscellaneous Products; Allergenic Products; Proposed Amendment of Additional Standards

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the additional standards for allergenic products by adding a reference in the additional standards to the potency test requirement applicable to all biological products under the general biological products standards. The proposed amendment would be consistent with the reference in the additional standards for allergenic products to other testing requirements in the general biological regulations, such as identity, safety, and sterility testing. The proposed amendment also provides by regulation for the use of potency testing of allergenic products based on official potency standards, as such standards become available. FDA is also proposing to remove from its regulations the specific potency test procedure for short ragweed pollen extracts.

DATES: Written comments by September 23, 1985.

FDA is proposing that any final rule based on this proposal be effective 30 days after the date of its publication in the **Federal Register**.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: M. Christine Anderson, Center for Drugs and Biologics (HFN–853), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–496–4204.

SUPPLEMENTARY INFORMATION: The additional standards for specific biological products are prescribed under 21 CFR Parts 620 through 680. The additional standards for allergenic products under 21 CFR Part 680 contain specific requirements that supplement the general requirements for all biological products under 21 CFR Part 610 and the current good manufacturing practice requirements under 21 CFR Parts 210 and 211. Sections 610.1 and 610.10 of the general biological regulations require that manufacturers perform a potency test on each lot of licensed biological product before it is released for commercial distribution.

FDA is proposing to amend the additional standards for allergenic products by adding to § 680.3 *Tests* new paragraph (e) *Potency*. Section 680.3 already requires that allergenic products meet the general biological testing provisions of 21 CFR Part 610 as those provisions concern identity, safety, and sterility testing. For consistency, proposed new § 680.3(e) would refer to the general potency requirements under § 610.10. Proposed new § 680.3(f) would refer to the recordkeeping requirements related to the tests performed under § 680.3.

Historically, FDA has permitted manufacturers to label allergenic products with an unstandardized potency level based on a simple weight of allergen to volume of extracting fluid ratio (W/V) or a determination of the protein nitrogen units (PNU) in each lot of manufactured product. Those allergenic products that have potency levels based on W/V or PNU must include the phrase "no U.S. Standard of Potency" on the label. The W/V or PNU determinations are not reliable measures of biological or allergenic activity. FDA believes, consistent with the recommendations of the Panel on Review of Allergenic Extracts (50 FR 3112; January 23, 1985), that these designations should be replaced as soon as practicable by a designation that reflects allergenic activity.

Thus far, only hymenoptera venom extracts and short ragweed pollen extracts have been standardized for potency and their allergenic activity determined by all manufacturers of the products. However, approximately 1,800 to 2,000 generic allergenic products are marketed. Therefore, FDA believes that it is impractical to codify a description of each new specific potency test procedure for a product as the procedure is developed, such as the procedure in § 680.4 for short ragweed pollen extract. Because the standardization of each class of licensed biological product is a major task for both FDA and manufacturers of allergenic products, the agency has conducted workshops on standardization to assist manufacturers in the development of potency procedures for their products (see 45 FR 76251 and 48 FR 52772). Those workshops have included discussion of methods of protein measurement, radial immunodiffusion tests, radioallergosorbent tests, isoelectric focusing, and skin testing. FDA will consider conducting more workshops when they are needed to assist manufacturers in performing specific potency tests for allergenic products.

Under proposed § 680.3(e), FDA would require that the potency of allergenic products be based on the standardization of an allergenic component or other active ingredient of the product. After the standardized procedure has been discussed in one or more workshops, has appeared in scientific publications, or has been discussed with individual manufacturers, the Director, Office of Biologics Research and Review, Center for Drugs and Biologics, would notify each affected manufacturer in writing of the new standardized procedure. This notification would allow a reasonable time period for manufacturers to begin potency testing based on the new procedure or revisions to an existing standardized procedure and to obtain FDA's approval for conforming amendments to the product license application, including those for appropriate potency labeling and lot release requirements based on the standard. Proposed § 680.3(e) does not affect the applicability of § 610.9 *Equivalent methods and processes* to the potency test requirements for allergenic products (see 49 FR 15186; April 18, 1984). Under § 610.9, manufacturers may present evidence to FDA, in the form of a product license amendment, for use of an equivalent potency test method that will provide equal or greater assurances of safety, purity, potency, and effectiveness of the allergenic product than the assurances provided by any standardized test method.

As shown above, when FDA adopts an official standardized potency test method for an allergenic product, each licensed manufacturer must submit to FDA, and FDA approve, appropriate amendments to its license application showing that the recommended method (or an approved alternative method) is used and that labeling is revised if necessary. When FDA adopts such a standardized official potency test, FDA intends to publish in the **Federal Register** a notice of availability of the official recommended method, under procedures established at 21 CFR 10.90(b)(10).

Section 680.4 requires the standardization of short ragweed pollen extracts based on a determination of the quantity of the major allergen (antigen E) that is present in each lot of the product. The method for performing antigen E testing is included in each manufacturer's license application. Section 680.4 is the only codified requirement for a specific standardized potency test for an allergenic product. Because FDA is proposing new § 680.3(e) and (f), FDA is proposing to remove § 680.4 *Short ragweed pollen extracts*. This codified requirement for one product would be unnecessary, because the antigen E requirements for short ragweed pollen extracts would be replaced by the requirements in proposed § 680.3(e).

At the time any final rule is published based on this proposed rule, FDA would make available its recommended test procedures for short ragweed pollen extracts as authorized in 21 CFR 10.90(b)(10) of its administrative practices and procedures regulations. The recommended test procedures would be in a document entitled "Docket No. 84S–0344 Recommended Methods for Short Ragweed Pollen Extracts" available for public examination at the Dockets Management Branch (address above). FDA also advises that if the codified requirements for short ragweed pollen extracts are removed from the regulations, short ragweed pollen extract, or any mixed product containing short ragweed pollen extract as a component, will continue to be subject to the requirements of the present § 680.4, because the present antigen E requirements will be the official potency test requirements for short ragweed pollen extracts authorized under § 680.3(e) and such testing now is required by product licensing procedures.

Pertinent background data, on which the agency relies in proposing these amendments, have been furnished to those persons known to be interested in manufacturing allergenic products, and a copy is on public display in the Dockets Management Branch. These data include in vitro and skin test procedures that are being used or that are presently being considered by FDA for use as official potency tests.

The agency has determined pursuant to 21 CFR 25.24(c)(10) (April 26, 1985; 50 FR 16636) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. (A final rule revising FDA's policy and procedures under the National Environmental Policy Act was published in the **Federal Register** of April 26, 1985 (50 FR 16636).)

Paperwork Reduction Act

Section 680.3 contains collection of information requirements already submitted to and approved by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act of 1980. The requirements of § 680.3 express the requirements of 21 CFR 211.165, 211.167, 211.188, and 211.194 (OMB control number 0910–0139), as those requirements apply to allergenic products tests. Organizations and individuals desiring to submit comments on the collection of information requirements should direct them to FDA's Dockets Management Branch and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., Rm. 3208, Washington, DC 20503, Attn: Bruce Artim.

FDA has examined the regulatory impact and regulatory flexibility implications of the proposed regulations in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). Specifically, FDA is proposing to identify in the additional standards for allergenic products the potency test requirement under § 610.10 and the requirements in various sections in Parts 210 and 211 that apply to all licensed biological products. Therefore, the immeidate effect of the proposed rule is neutral, i.e., it neither adds nor removes requirements from the standards for any biological product. Only when official potency standards become available for a specific allergenic product would the proposed rule have an impact on any of the 18 licensed manufacturers of allergenic products. When a potency standard becomes available, the official potency test would be based on the standard. Proposed paragraphs (e) and (f) of § 680.3 thus specify how the already existing general requirements for testing potency and recording the results can be met with respect to allergenic products. Therefore, the agency concludes that the proposed rule is not a major rule as defined in Executive Order 12291. Further the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

Interested persons may, on or before Septemer 23, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 680

Biologics.

Therefore, under the Public Health Service Act and under the authority delegated to the Commissioner of Food and Drugs, it is proposed that Part 680 be amended as follows:

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

1. The authority citation for 21 CFR Part 680 is revised to read as follows:

Authority: Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262); 21 CFR 5.10.

2. In § 680.3 by reserving paragraph (d) and adding new paragraphs (e) and (f) to read as follows:

§ 680.3 Tests.

* * * * *

(d) [Reserved]

(e) *Potency.* The potency of each lot of each Allergenic Product shall be determined as prescribed in § 610.10 of this chapter. When a specific allergen of a product becomes standardized and upon written notification to manufacturers by the Director, Office of Biologics Research and Review, the Official potency test shall be a determination of the quantity of standardized allergen or other active ingredient in the product.

(f) *Records.* The records related to the testing requirements of this section shall be prepared and maintained as required by §§ 211.165, 211.167, 211.188, and 211.194 of this chapter (OMB control number 0910–0139).

§ 680.4 [Removed]

3. By removing § 680.4 *Short ragweed pollen extracts.*

Dated July 2, 1985.

Joseph P. Hile,

Acting Commissioner of Food and Drugs.

[FR Doc. 85–17529 Filed 7–23–85; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 798 and 799

[OPTS–42065; FRL–TSH–FRL 2818–1]

2-Ethylhexanoic Acid, Proposed Test Rule

Correction

In FR Doc. 85–11589 beginning on page 20678 in the issue of Friday, May 17, 1985, make the following corrections:

1. On page 20680, in the first column, in the second complete paragraph, in the thirteenth line, "pumpted" should read "pumped".

2. On page 20680, in the second column, in the third complete paragraph, in the sixth line, "1 o 2" should read "1 to 2".

3. On page 20680, in the third column, in the twenty-seventh line, "0.01 θg/Kg/" should read "0.01 μg/Kg/".

4. On page 20681, in the second column, in the fourth line, "Storage tank cars" should read "Storage tanks, tank cars".

5. On page 20691, in the first column, in amendatory instruction number 2, "Part 79" should read "Part 799".

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 85–129; RM–4427]

Operation of Low Power Communication Devices in the 1.6–10MHz Band; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The FCC extends the time to file reply comments on the Notice of Proposed Rule Making in Gen. Docket 85–129 concerning the amendment of 47 CFR Part 15 to allow the operation of low power communication devices in the 1.6 to 10 MHz band in response to a

petition filed by the Knogo Corporation (RM–4427). The intended effect is to provide the public additional time to properly respond to comments filed on the Notice since most raise technical issues of certain complexity.

DATES: Reply comments are now due by July 23, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Liliane M. Volcy, Office of Science & Technology, Washington, D.C. 20554, tel: (202) 653–8247.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rule Making was published in the **Federal Register** on May 9, 1985, 50 FR 19551.

Order Extending Time To File Reply Comments

In the matter of the amendment of Part 15 of the Commission's Rules to permit the operation of low power communication devices in the 1.6–10 MHz band: Gen. Docket 85–129, Rm–4427.

Adopted: July 9, 1985.
Released: July 15, 1985.

By the Chief Scientists.

1. On May 1, 1985, the Commission released a *Notice of Proposed Rule Making (Notice)* in this proceeding. The *Notice* specified filing deadlines of June 24, 1985, for comments and July 9, 1985, for reply comments.

2. Pursuant to 47 CFR 1.46(b), the Knogo Corporation (Knogo), on July 3, 1985 requested a two-week extension of the deadline for filing reply comments. Knogo asserts that there is insufficient time to properly respond to the comments filed on the *Notice*, especially since most comments raise technical issues of certain complexity.

3. We recognize the concern of Knogo and that additional time may be needed to gather relevant information in order to respond adequately to all comments. Because of the importance of this proceeding, and our desire to have the most definitive response possible, an extension of time to July 23, 1985, for filing reply comments is hereby ordered, pursuant to the authority granted by 47 CFR 0.241(d).

Robert S. Powers,

Chief Scientist.

[FR Doc. 85–17521 Filed 7–23–85; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 50, No. 142
Wednesday, July 24, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

July 19, 1985.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Marketing Service

Sweet Cherries grown in designated counties in Washington.
Market Order 923
On occasion
Farms; Businesses or other for-profit; 203 responses; 63 hours; not applicable under 3504(h)
William J. Doyle (202) 447-5975

- Animal and Plant Health Inspection Service

Request for Reimbursuable Overtime Services
PPQ Form 192
On occasion
Individuals or households; Businesses or other for-profit; Non-profit institutions; 2,000 responses; 166 hours; not applicable under 3504(h)
L. M. Sedgwick, Jr. (301) 436-8584

New

- Agricultural Marketing Service

Marketing Agreement for Vegetables Grown in Texas
One-time reporting
Farms; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 110 responses; 11 hours; not applicable under 3404(h)
Charles W. Porter (202) 447-2615

- Economic Research Service

December 1985 Agricultural Work Force Supplement
Biennially
Individuals or households; 57,000 responses; 1,550 hours; not applicable under 3504(h)
Robert Coltrane (202) 786-1536

Revision

- Agricultural Marketing Service

Onions Grown in Idaho and Malheur County, Oregon, Marketing Order No. 958
On occasion; Biennially
Farms; Businesses or other for-profit; 747 responses; 113 hours; not applicable under 3504(h)
Charles W. Porter (202) 447-2615

- Agricultural Marketing Service

Cotton Research and Promotion Act
Cotton Board Forms
On occasion; Monthly; Annually
Farms; Businesses or other for-profit; 59,800 responses; 6,765 hours; not applicable under 3504(h)
Naomi Hacker (301) 447-2259

- Agricultural Marketing Service

Marketing Order No. 946 (Potatoes Grown in the State of Washington)
On occasion; Monthly; Annually
Farms; Businesses or other for-profit; 1,332 responses; 215 hours; not applicable under 3504(h)
Kurt J. Kimmel, (202) 447-2036

Jane A. Benoit,
Departmental Clearance Officer.

FR Doc. 85-17582 Filed 7-23-85; 8:45 am]
BILLING CODE 3410-01-M

Federal Crop Insurance Corporation

[Doc. No. 2591S]

Claim for Indemnity; Interest Payments

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of Current Interest Rate.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) publishes, for the information of the general public, this notice of the current interest rate to be computed on indemnity payments not made within a specified time under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: This notice, and the interest rate cited herein, is effective beginning July 1, 1985, and ending on December 31, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This notice provides, for the information of all interested parties, the current interest rate to be applied by FCIC to late paid indemnities, and is applicable from July 1, 1985, to December 31, 1985.

Background

Although FCIC attempts to make all indemnity payments within 30 days of the filing of a proper claim, data processing backlog and the need for further investigation have on some occasions, delayed payment past the targeted date. FCIC believes, on those occasions where the delay is due to procedural requirements of FCIC and through no fault of the insured, that FCIC should pay interest on the net

amount eventually found to be due the insured.

The interest payment, as outlined herein, will be effective for the second half of the 1985 crop year, beginning on July 1, 1985.

Pursuant to section 12 of the Contract Disputes Act the Secretary of the Treasury is responsible for computing and publishing the interest rate to be used in cases under that Act.

The interest rate established by the Secretary of the Treasury (as published in the **Federal Register** on July 3, 1985 at 50 FR 27525) for the six-month period beginning July 1, 1985 and ending December 31, 1985, and applicable by FCIC to late paid indemnities to policyholders during the period, beginning July 1, 1985 is 10⅜% (ten and three eighths) per centum per annum.

Dated: July 16, 1985.

Approved by:

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 85-17550 Filed 7-23-85; 8:45 am]

BILLING CODE 3410-08-M

Food and Nutrition Service

National Average Minimum Value of Donated Foods for the Period July 1, 1985, Through June 30, 1986

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the value of donated foods or, where applicable, cash in lieu thereof, to be given in the 1986 school year for each lunch served by schools participating in the National School Lunch Program or as commodity schools and for each lunch and supper served by institutions participating in the Child Care Food Program.

EFFECTIVE DATE: July 1, 1985.

FOR FURTHER INFORMATION CONTACT: Beverly King, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22303, (703) 756-3660.

SUPPLEMENTARY INFORMATION: This action, which implements mandatory provisions of sections 6(e), 14(f), and 17(h) of the National School Lunch Act (the Act), has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512. It has been classified as "nonmajor", because it meets none of the three criteria in the Executive Order; the action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs, and will not have a significant impact on competition, employment, productivity, innovation, or the ability of U.S. enterprises to compete.

The action has also been reviewed with regard to the requirements of Pub. L. 96-354, the Regulatory Flexibility Act of 1980. Robert E. Leard, Administrator, Food and Nutrition Service, has determined that it will not have a significant economic impact on a substantial number of small entities. The purpose of the action is to notify States of the level of donated-food assistance to be provided during the 1986 school year.

This notice imposes no new reporting and recordkeeping provisions that are subject to Office of Management and Budget review.

Section 6(e) of the Act establishes the national average value of donated-food assistance to be given to States for each lunch served in the National School Lunch Program at 11.00 cents per meal. This amount is subject to annual adjustment as of July 1 of each year to reflect changes in the Price Index for Food Used in Schools and Institutions. Section 17(h) of the Act provides that the same value of assistance in donated foods for school lunches shall also be established for lunches and suppers served in the Child Care Food Program. Notice is hereby given that the national average minimum value of donated foods or cash in lieu thereof, per lunch under the National School Lunch Program (7 CFR Part 210) and per lunch and supper under the Child Care Food Program (7 CFR Part 226) shall be 11.75 cents for the period July 1, 1985, through June 30, 1986.

The Price Index for Food Used in Schools and Institutions is computed on the basis of five major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products; meats, poultry and fish; dairy products; processed fruits and vegetables; and fats and oil). Each component is weighted using the same relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month simple average value of this Price Index for March, April and May. The three-month average of the Price Index decreased by 1.6 percent, from a revised value of 265.0 for March, April and May of 1984 to an initial value of 260.8 for the same three months in 1985. When computed on the basis of unrounded data and rounded to the nearest one-quarter cent, the resulting national average for the period July 1, 1985, through June 30, 1986, will be 11.75 cents per meal. This constitutes a .25 per lunch decrease over the rate in effect for the 1985 school year. This small drop in the level of assistance can largely be attributed to falling producer prices in the meat, poultry, and fish category. The March-May 1985 Price Index for this category, which comprises about half the Index, fell by 5.0 percent between 1984 and 1985.

Section 14(f) of the Act provides that commodity-only schools shall be eligible to receive donated foods equal in value to the sum of the national average value of donated foods established under section 6(e) of the Act and national average payment established under section 4 of the Act. Such schools are eligible to receive up to 5 cents of this value in cash for processing and handling expenes related to the use of such foods. Commodity-only schools are defined in section 12(d)(8) of the Act as "schools which do not participate in the school lunch program under this Act but which receive commodities made available by the Secretary for use in nonprofit lunch programs".

In interim regulations published on April 15, 1982 (47 FR 15978-86) to implement the provisions of section 14(f), it was indicated that the term "commodity shcools" will be used for such schools instead of "commodity-only schools".

For the 1986 school year, commodity schools shall be eligible to receive donated-food assistance valued at 24.25 cents for each lunch served. This amount is based on the sum of the section 6(e) level of assistance announced in this notice and the adjusted section 4 minimum national average payment factor for school year 1986 announced by the Department on July 9, 1985 (50 FR 27995). The section 4 factor for commodity schools does not include the 2-cents per lunch increase for lunches served in the second preceding year free or at reduced prices, since that increase is applicable only to schools participating in the National School Lunch Program.

(Catalog of Federal Domestic Assistance Nos. 10.550, 10.555, and 10.558)

Authority: Secs. 6, 14 and 17 of the National School Lunch Act, as amended, 42 U.S.C. 1755, 1762a, 1766.

Dated: July 18, 1985.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 85-17571 Filed 7-23-85; 8:45 am]

BILLING CODE 3410-30-M

Soil Conservation Service

Little Lost River Flood Control RC&D Measure Plan and Environmental Impact Statement, Idaho

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Stanley N. Hobson, State Conservationist, Soil Conservation Service, 304 North 8th Street, Rm. 345, Boise, Idaho 83702, telephone (208) 334–1601.

Notice: Stanley N. Hobson, responsible Federal official for projects administered under the provisions of Pub. L. 87–703, (16 U.S.C. 590 a–f,q.) in the State of Idaho, is hereby providing notification that a record of decision to proceed with the installation of the Little Lost River Flood Control RC&D measure plan is available. Single copies of this record of decision may be obtained from Stanley N. Hobson at the above address.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: July 16, 1985.

James N. Habiger,

Acting State Conservationist.

[FR Doc. 85–17515 Filed 7–23–85; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket No. 85–228. Applicant: University of Rochester, 70 Goler House, Rochester, NY 14620. Instrument: Electron Microscope, Model EM 902 with Accessories. Manufacturer: Carl Zeiss Inc., West Germany. Intended use: The instrument will be used for investigations in the field of neurosciences with concentrated efforts on the identification, localization, and quantitation of neurotransmitters (norepinephrine, dopamine, serotonin, enkephalins, substance P, GABA, acetylcholine, and others) and their receptors. Application received by Commissioner of Customs: June 17, 1985.

Docket No. 85–229. Applicant: The Ohio State University, 484 W. 12th Avenue, Columbus, OH 43210. Instrument: STEM–SE attachments with Ion Getter Pumps. Manufacturer. Carl Zeiss, West Germany. Intended use: The articles are accessories to an existing electron microscope which is to be used for studies of a variety of different groups of microoganisms and a number of toxic metals such as cadmium, mercury and chromium the interaction between the biologic system and the heavy metals either at the surface of the cell or inside the cell structure will be investigated Application received by Commissioner of Customs: June 17, 1985.

Docket No. 85–230. Applicant: Columbia University, Department of Biological Sciences, 500 Fairchild Building, New York, NY 10027. Instrument: ASID 10 Scanning Image Observation Device and TV Camera System. Manufacturer: JEOL, Inc., Japan. Intended use: The articles are electron microscope attachments These attachments will be used to increase the capabilities of the microscope in performing biological research. In particular, the reconstruction of nervous tissue from serial electron micrographs will be enhanced by these attachments by allowing the alignment of serial sections in the machine before they are photographed. Application received by Commissioner of Customs: June 17, 1985

Docket No. 85–231. Applicant: University of Maryland, Department of Zoology, College, Park, MD 20742. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer. Carl Zeiss, West Germany. Intended use: The instrument is intended to be used for the investigation of the molecular basis of membrane excitability, particularly the voltage gating merchanism. Many important biological processes function because of the existence of excitable membranes. In order to understand how excitable membranes function, it is necessary to understand how an electric field controls or gates these membrane channels. Application received by Commissioner of Customs: June 17, 1985.

Docket No. 85–232. Applicant: LDS Hospital (Intermountain Health Care, Inc.), Eighth Avenue & C Street, Salt Lake City, UT 84143. Instrument: Electron Microscope, Model JEM-100SX with Accessories. Manufacturer: JEOL, Ltd., Japan. Intended use: The instrument will be used to examine various types of biological specimens during the following clinical uses:

(1) Transmission electron microscopy to establish diagnosis in human diseases.

(2) Research on the ultrastructural alterations occurring in the lungs of experimental animals and man with acute respiratory distress syndrome.

(3) Studies of the alterations of macrophage cell surfaces occurring during macrophage activation and participation in tumor killing.

In addition, the instrument may be used as an educational tool for pathology residents and research fellows. Application received by Commissioner of Customs: June 19, 1985.

Docket No. 85–233. Applicant: The University of South Carolina, Department of Chemistry, Columbia, SC 29208. Instrument: Interferometer, Model IZMO5. Manufacturer: Bomem, Canada. Intended use: The instrument will be used in experiments involving the recording of the low frequency infrared spectra of some vinyl methoxy molecules and substituted allyl halides in the vapor phase at a resolution of 0.002 cm^{-1}. The objective will be to analyze the data in order to determine the potential function governing the asymmetric internal rotation in these molecules. In addition, the instrument will be used in various chemistry courses to instruct Ph.D. students in analyzing high resolution fourier transform spectra, and interpreting the results. Application received by Commissioner of Customs: June 24, 1985.

Docket No. 85–234. Applicant: University of Massachusetts, Amherst, Polymer Science & Engineering Department, GRT Room 701, Amherst, MA 01003. Instrument: Electron Microsope, Model JEM–2000FX. Manufacturer: JEOL, Ltd., Japan. Intended use: The instrument is intended to be used for studies of synthetic and natural polymers and composites utilizing polymers as a basic component. Examples include polyethylene fibers and films, biaxial formed polypropylene, polydiacetylene, polyparaphenylene benzobisthiazole fibers, polyparaxylene single crystals, synthetic phospholipids and PEEK-graphite, epoxy-PBT, nylon-PBT

composites. These materials cover a wide range of structures from amorphous (e.g. epoxies) to single crystal (e.g. polyparaxylene). The instrument will also be used for graduate level instruction and research in the Department of Polymer Science and Engineering and as part of the Materials Research Laboratory. In addition, the instrument will be used in short courses to teach the basic principles of electron microscopy as they apply to a wide range of research topics in materials science. Application received by Commissioner of Customs: June 24, 1985.

Docket No. 85-235. Applicant: University of Washington, Seattle, WA 98195. Instrument: Electron Microscope, Model EM 410LS with Accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use: Studies of biological tissue, particularly nervous tissue, including brain and nerves. Experiments to be conducted will include: visualization of substructural elements associated with neural development and degeneration; fine structural effects on brain cells of mercury poisoning; identification of neural and cell processes associated with induced neurological disease conditions such as epilepsy and characterization of the ultrastructural basis of neurotransmitter localization in normal brain and after surgical manipulation. Application received by Commissioner of Customs: June 25, 1985.

Docket No. 85-236. Applicant: University of Colorado Health Sciences Center, 4200 E. 9th Avenue, Denver, CO 80262. Instrument: Electroencephalographic Power Spectral Analyzer, Model CME-100. Manufacturer: Japan Systems, Inc., Japan. Intended use: The instrument is intended to be used for both clinical and basic research. The three protocols to be pursued are (1) monitoring power spectra EEG while progressively reducing cerebral blood flow through exsanguination as followed by hydrogen clearance electrodes in a rabbit model, (2) monitoring power spectral EEG during acute focal cerebral ischemia treated with hyperdynamic therapy in a simian model and (3) monitoring patients in the OR during acute clamping of the carotid artery for many different surgical procedures such as endarterectomy and base of skull surgeries. Application received by Commissioner of Customs: June 25, 1985.

Docket No. 85-237. Applicant: University of Pennsylvania, Department of Biology/G7, 217 Leidy Labs, Philadelphia, PA 19104-4288. Instrument: Electron Microscope, Model EM 410LS with Accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use: The instrument is intended to be used in general experiments relating to the structure and function of muscle fiber. Application received by Commissioner of Customs: June 27, 1985.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-17522 Filed 7-23-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; Brent S. Stewart, Hubbs Marine Research Institute

On May 14, 1985, notice was published in the **Federal Register** (50 FR 20119) that an application had been filed by Brent S. Steward (P276B) Hubbs Marine Research Institute, 1700 South Shores Road, San Diego, California 92109 for a Scientific Research Permit to take up to sixty (60) Pacific harbor seals (Phoca vitulina richardii) annually for four (4) years.

Notice is hereby given that on July 17, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731

Dated: July 17, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-17555 Filed 7-23-85; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Correction

Notice was published in the **Federal Register** on July 8, 1985 (50 FR 27840) that an application had been issued to Montreal Zoological Park to take California sea lions for public display in Canada as authorized by the Endangered Species Act. The notice is corrected to read:

On April 12, 1985, notice was published in the **Federal Register** (50 FR 14409) that an application had been filed by Montreal Zoological Park for a permit to take marine mammals for the purpose of public display.

Notice is hereby given that on June 27, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 17, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-17556 Filed 7-23-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1985; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1985 a service to be provided by workshops for other severely handicapped.

EFFECTIVE DATE: July 24, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Addition to the Procurement List of the service listed below was published in the **Federal Register** on April 18, 1985 (50 FR 15474). Two comments were received in response to this notice. One commenter.

the current contractor, indicated that the proposed addition represented ten percent of the firm's annual sales, and that only a small percentage of its income was from private sector contracts. Another commenter confirmed the impact on the current contractor and its inability to penetrate the private sector market. The Committee considered the comment received as well as other pertinent information and determined that the addition of this service to the Procurement List would not cause severe impact on the current contractor.

Addition

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1985:

Janitorial/Custodial, Naval Resale and Support Office, Fort Wadsworth, Staten Island, New York

C.W. Fletcher,

Executive Director.

[FR Doc. 85–17564 Filed 7–23–85; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1985; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1985 a commodity to be produced by workshops for the blind and other severely handicapped.

Comments must be received on or before: August 28, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

Addition

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1985, October 19, 1984 (49 FR 41195):

Commodity

Cloth, Abrasive: 5350–00–187–6296

C. W. Fletcher,

Executive Director.

[FR Doc. 85–17146 Filed 7–23–85; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. QF85–585–000, etc.]

Air Products Manufacturing Corp. et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

July 18, 1985.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Air Products Manufacturing Corp.

[Docket No. QF85–585–000]

On July 1, 1985, Air Products Manufacturing Corp., (Applicant) of P.O. Box 538, Allentown, Pennsylvania 18105, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Pasadena, Texas. It will consist of a gas turbine generating unit with supplementally fired waste heat recovery boiler. The steam output will be utilized for chemical processes at the Pasadena facility. The primary energy source of the facility will be natural gas. The electric power production capacity will be 3.6 MW. The facility will be installed by December 1985.

2. Baldwin Park Unified School District

[Docket No. QF85–589–000]

On July 5, 1985, Baldwin Park Unified School District, (Applicant) of 3699 N. Holly Avenue, Baldwin Part, California 91706, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Baldwin Park High School, Baldwin Park, California. It will consist of a reciprocating engine/generator unit. Heat recovered from the engine exhaust and cooling jacket water will be used to heat the school swimming pool. The electric power production capacity of the facility will be 67.2 kW. The primary energy source will be natural gas. The installation of the facility will begin in August 1985.

3. Baldwin Park Unified School District

[Docket No. QF85–590–000]

On July 5, 1985, Baldwin Park Unified School District, (Applicant) of 3699 N. Holly Avenue, Baldwin Park, California 91706, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Sierra Vista High School, Baldwin Park California. It will consist of a reciprocating engine/generator unit. Heat recovered from the engine exhaust and cooling jacket water will be used to heat the school swimming pool. The electric power production capacity of the facility will be 67.2 kW. The primary energy source will be natural gas. The installation of the facility will begin in August 1985.

4. Munson Geothermal, Inc.

[Docket No. QF85–591–000]

On July 3, 1985, Munson Geothermal, Inc., (Applicant) of Field Office, Suite F, 162 Hubbard Way, Reno Nevada 89502, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 10 MW Brady project will be located about 60 miles east of Reno in churchill County, Nevada. The facility will use a binary cycle to generate electric power from a liquid dominated geothermal resource as a primary energy source. The applicant is scheduled to initially install 6 MW of which 20 percent will be owned by Hydra-Co Enterprises Ltd., a subsidiary of Niagara Mohawk Power Company.

5. Onsite Energy

[Docket No. QF85-560-000]

On June 24, 1985, Onsite Energy (Applicant), of 10951 Sorrento Valley Road, Suite II-S, San Diego, California 92121 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Capistrano by the Sea Hospital & Clinic at San Diego, California. The facility will contain a reciprocating engine generator and heat recovery unit. The thermal energy will be used in space and water heating and also in the absorption chillers for air conditioning. The primary energy source will be natural gas. The electric power production capacity of the facility will be 60 kW. The facility is expected to be operational on August 1, 1985.

6. Thermo Electron Energy Systems

[Docket No. QF85-566-001]

On June 24, 1985, Thermo Electron Energy Systems (Applicant), of 101 First Avenue, Waltham, Massachusetts 02254, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Conway, New Hampshire and will consist of a solid fuel boiler and condensing steam turbine/generators. The primary source of energy will be biomass in the form of wood waste and whole tree chips. The electric power production capacity of the facility will be 12,000 kW. Approximately 108 million kilowatt-hours of energy will be produced annually.

7. Thermo Electron Energy Systems

[Docket No. QF85-567-001]

On June 24, 1985, Thermo Electron Energy Systems (Applicant), of 101 First Avenue, Waltham, Massachusetts 02254, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Troy, New Hampshire and will consist of a solid fuel boiler and condensing steam turbine/generators. The primary source of energy will be biomass in the form of wood waste and whole tree chips. The electric power production capacity of the facility will be 12,000 kW. Approximately 108 million kilowatt-hours of energy will be produced annually.

8. Thermo Electron Energy Systems

[Docket No. QF85-568-001]

On June 24, 1985, Thermo Electron Energy Systems (Applicant), of 101 First Avenue, Waltham, Massachusetts 02254, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Fitzwilliam, New Hampshire and will consist of a solid fuel boiler and condensing steam turbine/generators. The primary source of energy will be biomass in the form of wood waste and whole tree chips. The electric power production capacity of the facility will be 12,000 kW. Approximately 108 million kilowatt-hours of energy will be produced annually.

9. Thermo Electron Energy Systems

[Docket No. QF85-569-001]

On June 24, 1985, Thermo Electron Energy Systems (Applicant), of 101 First Avenue, Waltham, Massachusetts 02254, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Antrim, New Hampshire and will consist of a solid fuel boiler and condensing steam turbine/generators. The primary source of energy will be biomass in the form of wood waste and whole tree chips. The electric power production capacity of the facility will be 12,000 kW. Approximately 108 million kilowatt-hours of energy will be produced annually.

10. Thermo Electron Energy Systems

[Docket No. QF85-570-001]

On June 24, 1985, Thermo Electron Energy Systems (Applicant), of 101 First Avenue, Waltham, Massachusetts 02254, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Bethlehem, New Hampshire and will consist of a solid fuel boiler and condensing steam turbine/generators. The primary source of energy will be biomass in the form of wood waste and whole tree chips. The electric power production capacity of the facility will be 12,000 kW. Approximately 108 million kilowatt-hours of energy will be produced annually.

11. Thermo Electron Energy Systems

[Docket No. QF85-579-001]

On June 24, 1985, Thermo Electron Energy Systems (Applicant), of 101 First Avenue, Waltham, Massachusetts 02254, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Campton, New Hampshire and will consist of a solid fuel boiler and condensing steam turbine/generators. The primary source of energy will be biomass in the form of wood waste and whole tree chips. The electric power production capacity of the facility will be 12,000 kW. Approximately 108 million kilowatt-hours of energy will be produced annually.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17499 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-672-000]

Algonquin Gas Transmission Corp., Complainant, v. Distrigas Corp. and Distrigas of Massachusetts Corp., Respondents; Complaint

July 17, 1985.

Take notice that on June 28, 1985, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts, 02135, filed in Docket No. CP85-672-000 a complaint pursuant to sections 4, 5, 7, 8, and 15 of the Natural Gas Act and section 385.206 of the Commission's Regulations (18 CFR 385.206). Algonquin requests that all matters relating to compliance with a floor-price condition in temporary certificates issued to Distrigas of Massachusets Corporation (DOMAC), as well as all matters relating to the operation of the condition, be set for expedited hearing and that the Commission require DOMAC to file and serve on all parties in Docket Nos. CP85-487-000 and CP85-488-000, within three days, a full report showing in detail how it has implemented the floor-price condition imposed by the Commission. Algonquin's requests are more fully set forth in the complaint that is on file with the Commission and open to public inspection.

On May 9, 1985, in Docket Nos. CP85-487-000 and CP85-488-000, 31 FERC ¶ 61,166, the Commission issued temporary certificates to DOMAC to make distress sales of imported Algerian liquefied natural gas (LNG) at negotiated rates in order to alleviate an excess supply of LNG in its storage tanks in Everett, Massachusetts. The temporary certificates expire on September 30, 1985. The temporary certificates impose floor and ceiling prices on DOMAC. A floor price was adopted "[b]ecause of [the Commission's] concern that [the sale] may result in unfair competition with other gas suppliers of DOMAC's potential customers . . . ." The temporary certificates further require that DOMAC submit a report requiring, among other things, indentification of the purchasers and DOMAC's sale price.

On June 7, 1985, DOMAC filed a report that stated that it sold LNG to three customers. The principal LNG sale customer was Boston Gas Company (Boston Gas). Algonquin states that the contract between DOMAC and Boston Gas reveals that Boston Gas will purchase some or all of DOMAC's excess LNG at a price one cent per MMBtu below the price on a daily basis of the alternative gas supply Bonton Gas would otherewise purchase. Algonquin further states that the alternative gas supply mentioned in the DOMAC-Boston Gas contract is gas from Algonquin. As a result, Algonquin claims, it is harmed because its sales are displaced by DOMAC's LNG sale. Algonquin alleges that there is no information in the report filed by DOMAC that would permit the Commission to verify DOMAC's compliance with the floor-price condition of the temporary certificates.

Any person desiring to be heard or to make any protest with reference to said complaint shall on or before July 29, 1985, file with the Federal Energy Regulatory Commission, Washington, DC, 20426, a motion to interevene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. DOMAC's and Distrigas Corporation's answer to the complain shall also be due on or before July 29, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17503 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-622-000, etc.]

Centel Corporation-Kansas et al.; Electric Rate and Corporate Regulation Filings

Take notice that the following filings have been made with the Commission:

I. Centel Corporation-Kansas

[Docket No. ER85-622-000]

July 18, 1985.

Take notice that on July 5, 1985 Centel Corporation-Kansas (Centel) tendered for filing a revised Rate Service Schedule 85-D for Off-Peak Service to generating and distribution municipals (the Firm Municipals).

This filing is a supplement to Docket No. ER85-375-000 as filed on March 18, 1985. This filing does not change the requested additional Revenue of $809,094 which was the basis for the $8,090.94 filing fee as filed and paid.

Comment date: July 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Maine Yankee Atomic Power Company

[Docket No. ES85-46-000]

July 16, 1985.

Take notice that on June 28, 1985, Maine Yankee Atomic Power Company, (the "Company") tendered for filing an application, pursuant to Section 204 of the Federal Power Act, seeking authority to issue on or before August 1, 1986, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate principal amount not exceeding $21,000,000 outstanding at any time.

Comment date: July 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of New Mexico

[Docket No. ER83-299-003]

July 18, 1985.

Take notice that on July 1, 1985, Public Service Company of New Mexico (PNM) tendered for filing a refund report. PNM said that it did not collect any amounts from the City of Gallup, New Mexico in excess of the settlement rates under Service Schedule B, and thus it did not owe, nor did it pay, any refunds.

Comment date: July 29, 1985, in accordance with Standard Paragraph H at the end of this notice.

4. Utah Power and Light

[Docket Nos. ER83-427-003, ER83-428-002, and EL85-16-000]

July 18, 1985.

Take notice that on July 1, 1985, Utah Power and Light Company tendered for filing six copies of a Revised Compliance Report which supplement Utah Power and Light Company's Compliance Report filed on November 26, 1984, with respect to Brigham City Corporation, Nephi City Corporation and Town of Levan.

The revised Compliance Filing reflects adjustments made to resolve the protest filed by the above customers on December 19, 1984. The additional amounts paid to Nephi City and the Town of Levan were shown as credits on their billings, copies of which are

enclosed. The adjustment for Brigham City was paid by Check No. 279731 on March 13, 1985.

Comment date: July 29, 1985, in accordance with Standard Paragraph H at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

H. Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before the comment date. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17497 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES85-50-000]

Central Maine Power Co.; Application for Authority to Issue Bank Notes and Commercial Paper

July 12, 1985.

Take notice that on June 28, 1985, Central Maine Power Company (Applicant) filed an application, pursuant to section 204 of the Federal Power Act, seeking authority to issue on or before August 1, 1986, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate principal amount not exceeding $105,800,000 outstanding at any time.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Commission, 825 North Capitol Street NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before July 26, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17500 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 3988-003 and 8975-000]

Charles A. Deyle and Rick Bosetti; Availability of Environmental Assessment and Finding of No Significant Impact

July 19, 1985.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for exemptions listed below and have assessed the environmental impacts of the proposed developments.

Project No.	Project Name	State	Water body	Nearest town	Applicant
3988-003	Montgomery Creek	CA	Montgomery Creek	Montgomery Creek	Charles A. Deyle.
8975-000	Silver Springs	CA	Silver Springs	Big Bend	Rick Bosetti.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17505 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8519-000 etc;]

City Mills Co. et al.; Availability of Environmental Assessment and Finding of no Significant Impact

July 19, 1985

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

Project No.	Project name	State	Water body	Nearest town	Applicant
8519-000	City Mills	GA	Cattahoochee	Columbus	City Mills Company.
9000-000	Morrow Dam	MI	Kalamazoo River	Comstock	STS Consultants LTD.
			Licenses		
7883-001	Weston Dam	NH	Upper Ammonoosuc	Groveton	Powerthouse Systems.
8789-000	Cummings Dam	NH	Mascoma River	Lebanon	Sandell Development Corporation.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environemnt. Therefore, environmental impact statements will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NW., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17504 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4414-001]

East Bay Municipal Utility District et al.; Surrender of Preliminary Permit

July 19, 1985.

Take notice that East Bay Municipal Utility District, Calaveras County, Calaveras County Water District, and Calaveras Public Utility District, Permittees for the Upper Mokelumne River (Railroad Flat Dam Site) Project, FERC No. 4414, have requested that their preliminary permit be terminated. The preliminary permit for Project No. 4414 was issued on October 25, 1982, and would have expired on September 30, 1985. The project would have been located on South Fork and Middle Fork Mokelumne River in Calaveras County, California.

The Permittees filed the request on June 24, 1985, and the preliminary permit for Project No. 4414 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sundary or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following the day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17506 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES85-51-000]

El Paso Electric Co., Notice of Application

July 12, 1985.

Take notice that on July 2, 1985, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority, pursuant to section 204 of the Federal Power Act, to borrow up to $20,000,000 principal amount pursuant to a five-year unsecured term loan for the purpose of refunding existing indebtedness of the Company, such Term Loan proposed to be consummated in September 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before July 31, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17501 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-4-4-000 and TA85-4-4-001]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

July 17, 1985.

Take notice that on July 11, 1985, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheet pursuant to the purchased gas cost adjustment provision in its FERC Gas Tariff, First Revised Volume No. 1 containing adjusted changes in rates for effectiveness on July 1, 1985:

Substitute Eleventh Revised Sheet No. 7

Granite State states that it filed its regular purchased gas cost adjustment on June 4, 1985 for effectiveness on July 1, 1985, which has been accepted, subject to certain conditions. According to Granite State, since it made its filing, several changes occurred that have the effect of further reducing its cost of gas, effective July 1, 1985. One of its suppliers, Consolidated Gas Transmission Corporation made an out-of-period purchased gas cost adjustment filing on June 13, 1985 for effectiveness on July 1. (Docket Nos. TA85-2-22-000, *et al.*) Also, according to Granite State, it has arranged for two (2) advantageous purchases of gas under special marketing programs that will reduce its average cost of gas. Further, Granite State states that it estimated the July 1, 1985 effective rate of another supplier, Boundary Gas, Inc., and later information available on June 24, 1985 resulted in a lower rate than originally estimated.

It is stated that the filing is made pursuant to the purchased gas cost adjustment provision in section XIX of the General Terms and Conditions of its tariff. Granite State further states that the rate changes are applicable to wholesale sales to its two affiliated distribution company customers: Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities). According to Granite State, the effect of the proposed gas cost adjustments is a decrease of $11,036,556 annually in rates for sales to Bay State and a decrease of $2,112,915 annually for sales to Northern Utilities.

Granite State also tendered for filing the following revised tariff sheets in its FERC Gas Tariff, Original Volume No. 2, for effectiveness September 1, 1985:

Third Revised Sheet No. 17

Third Revised sheet No. 27

According to Granite State, the foregoing tariff sheets are filed pursuant to the authority granted in the certificate authorization issued in *Granite State Gas Transmission, Inc.*, 21 FERC ¶ 61,199 (1962) that authorized Granite State to track changes in the rate of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) under Rate Schedule T-130 pursuant to which Tennessee renders a transportation service for Granite State. Granite State further states that Tennessee has submitted a settlement in Docket Nos. RP80-97, *et al.* which, *inter alia*, provides for a reduction in its Rate Schedule T-130 rate that Granite State proposes to track in the above tendered tariff sheets.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). All such motions or protests should be filed on or before July 25, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17508 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[EL85-38-000]

Idaho Power Co.; Petition for Declaratory Order

July 18, 1985.

Public notice is given that Idaho Power Company (IPC) filed a petition for a declaratory order with the Federal Energy Regulatory Commission on November 27, 1984. The petition seeks a Commission order approving an agreement between IPC and the State of Idado that would define water rights held by IPC at the following licensed hydropower projects on the Snake River and its tributaries: FERC Project Nos. 18 (Twin Falls), 503 (Swan Falls), 1975 (Bliss), 2955 (C.J. Strike), 2061 (Lower Salmon), 2726 (Upper and Lower Malad), 2777 (Upper Salmon), and 2778 (Shoshone Falls).

A dispute has arisen over the extent of IPC's water rights for these projects. In particular, the issue was raised by the Governor of the State of Idaho in the relicensing proceedings for the Swan Falls Project No. 503. Under the terms of that license, issued December 22, 1982 (21 FERC ¶ 62,519) the Governor was given an opportunity to submit recommendations for placing conditions in the license for water management purposes. The Governor subsequently recommended that the Swan Falls license be conditioned so as to allow subordination of the project water rights for the benefit of future upstream agricultural irrigation uses consistent with the State Water Plan approved in 1977. That plan would provide for the eventual withdrawal of water from the Snake River to a level that would reduce the minimum daily flow to 3,300 cubic feet per second. IPC opposed the request.

The State of Idaho, through the Governor and the Attorney General, later came to an agreement with IPC that the parties believe will assure a sufficient supply of water IPC's licensed projects and at the same time subordinate water rights in excess of this level to future beneficial upstream uses. The agreement was dated October 25, 1984, and filed with the Commission as an attachment to the petition for declaratory order referred to above. The petition requests the Commission to declare that the agreement between the parties would be in the public interest.

Two motions to intervene and a protest have been filed with respect to the petition. On January 9, 1985, the National Marine Fisheries Service (NMFS) requested intervention and stated that is was unclear how the agreement would affect instream flows for improved migration, spawning and rearing of salmon and steelhead, including but not limited to the system-wide Water Budget flows provided under the Fish and Wildlife Program of the Northwest Power Planning Council. On January 18, 1985, the Golden Eagle Audubon Society filed a resolution urging the Commission to reject the agreement to subordinate IPC's water rights at Swan Falls and to conduct a detailed environmental analysis thereof, including the individual and cumulative effects. On April 1, 1985, the Idaho Natural Resources Legal Foundation, Inc. (INRLF) filed a motion to intervene on generally the same grounds as those expressed by NMFS. NMFS and INRLF were granted intervention by operation of the Commission's regulations 15 days after their submittals.

Anyone may file comments, protests, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214 (1984). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intevene in accordance with the Commission's rules may become a party to the proceeding. All comments, protests or motions to intervene must be filed with the Commission on or before August 30, 1985. Any filing must bear in all capital letters the title "COMMENTS", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Docket No. of this notice. Send the documents to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC, 20426. A copy of any motion to intervene must also be served on IPC and the above-named intervenors. The petition for declaratory order is available in the Commission's public files. A copy may also be obtained from IPC.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17502 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-171-000]

Mississippi River Transmission Corp. Petition for Authority To Institute Special Billing Procedure and for Waiver of PGA Procedures

July 17, 1985.

Take notice that on July 10, 1985, Mississippi River Transmission Corporation (MRT) transmitted for filing its Petition for Authority to Institute Special Billing Procedure and for Waiver of PGA Procedures. MRT states that the purpose of the special billing procedure is to recover from its customers Order No. 94 "production-related costs" made to its pipeline suppliers.

It is said the special billing procedure is necessary to avoid undesirable market distortions and inequitable allocation of costs among MRT's customers. MRT proposes to invoice the Order 94 retroactive costs based on the ratio of each customer's purchases during the retroactive period to the total of all customer purchases from MRT during that period. Payments to MRT would be made in either lump sum or under an optional, twelve month billing procedure.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of this chapter. All such motions or protests must be filed on or before July 25, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17509 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-39-000]

Northwest Central Pipeline Corp., Petition for Exemption and Interim Relief

Issued: July 17, 1985.

On June 13, 1985, Northwest Central Pipeline Corporation (Northwest Central) filed with the Director, Office of Pipeline and Producer Regulation, pursuant to section 206(d) of the Natural Gas Policy Act of 1978 and § 282.206(b) of the Commission's regulations, a

petition for exemption from the Commission's incremental pricing regulations issued under section 201 of the NGPA. Northwest Central requests an interim and permanent exemption from its obligation under Title II of the NGPA to impose incremental pricing surcharges for nonexempt natural gas which it sells to the Bareco Division of Petrolite Corporation (Petrolite). Petrolite purchases gas from Northwest Central for boiler fuel use in the manufacture of food-grade microcrystalline and paraffin waxes at its Barnsville, Oklahoma plant.

In support of its request for interim relief, Northwest Central states that the incremental pricing surcharge levied on Petrolite will cause that company's gas cost to rise above the price offered by Northwest Central's competition, Transok Pipeline Company, which is not subject to the Commission's incremental pricing program. Northwest Central states that Petrolite has indicated it will purchase gas based upon the lowest available cost. As a result, Northwest Central alleges that without an exemption from the requirements of incremental pricing, it could lose the sales currently being made to Petrolite and that the loss of such sales will force Northwest Central's high-priority customers to bear a greater portion of its fixed costs. Interim relief was granted by order of the Director issued on July 15, 1985, in this docket.

The procedures applicable to the conduct of this proceeding are set forth in Rules 1101–1117 (Subpart K) of the Commission's rules of practice and procedure. Any person desiring to participate in this proceeding must file a motion to intervene in accordance with Rule 1105. All motions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–17510 Filed 7–23–85; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 3553–004]

Rauniker, Inc.; Surrender of Exemption From Licensing

July 19, 1985.

Take notice that Rauniker, Inc., Exemptee for the Lowell Water Power Project No. 3553, requested by letter dated June 11, 1985, that its exemption be terminated because the financial market makes the project infeasible, and that the project is located in an area with a low cost, coal fired power base with surplus capacity. The exemption was issued on September 24, 1982, and an extension of time of six months was granted on May 9, 1984, and December 18, 1984, which required construction of the project to start by September 20, 1984, and March 20, 1985, respectively, pursuant to Article 3 of the exemption. The project would have been located on Spring River and Shoal Creek in Cherokee County, Kansas. No construction of the project works has been performed, and no conditions are needed concerning the restoration of Federal and non-Federal lands pursuant to § 4.95(b) of the Commission's regulations.

The Exemptee filed the request on June 21, 1985, and the exemption for Project No. 3553 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–17507 Filed 7–23–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP85–577–014 et al.]

Trunkline Gas Company et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Trunkline Gas Company

[Docket No. CP85–577–014]

July 19, 1985.

Take notice that on June 12, 1985, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84–577–014 a request pursuant to Section 7 of the Natural Gas Act and Section 157.205 of the Regulations under the Natural Gas Act for authorization to make an off-system sale of natural gas. It is explained that the request is pursuant to authorization received in the Commission's order issued October 29, 1984, in Docket No. CP84–577–000, authorizing a sales for take-or-pay relief program (STOPR), all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Applicant proposes to make an off-system sale of gas to Long Island Lighting Company (Long Island Lighting), a local distribution company. Pursuant to the terms of a service agreement dated May 28, 1985, between Applicant and Long Island Lighting, Applicant would deliver up to 85,000 Mcf of gas per day, on an interruptible basis, to Transcontinental Gas Pipe Line Corporation (Transco), for the account of Long Island Lighting, at an existing point of interconnection between Applicant and Transco at Ragley, Beauregard Parish, Louisiana, it is stated. It is indicated that Transco would then transport the gas to Long Island Lighting.

Applicant indicates that Long Island Lighting would use the gas for system supply for resale within its service area. It is stated that the sales price which Long Island Lighting would pay Applicant is $2.8417 per dt equivalent of gas. It is stated that the sales price consists of Applicant's average cost of gas, the GRI surcharge, and an added margin pursuant to the authorization in the STOPR order.

It is stated that the service is conditioned upon the availability of capacity sufficient to provide service without detriment to Applicant's existing customers. The term of the service under the authorization sought herein would be from the date of the first delivery, with termination to coincide with the expiration under the STOPR program, it is indicated.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP85–657–000]

July 17, 1985.

Take notice that on June 27, 1985, Arkla Energy Resources, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP85–657–000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Derby Refining Company (Derby) under the certificate issued in Docket Nos. CP82–384–000 and CP82–384–001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Arkla proposes to transport from Pope and Johnson Counties, Arkansas, up to 3,575 Mcf of gas per peak day, 2,405 Mcf per average day, and 877,825 Mcf per year for use in Derby's industrial plant near Wichita, Kansas. Arkla states that the terms of the proposed transportation service is until May 1, 1986.

Arkla states that it would charge the currently applicable transportation rate in accordance with its ECOSHARE Transportation Rate Schedule or Rate Schedule No. TRG–1, FERC Gas Tariff, First Revised Volume No. 2. The transportation agreement provides for initial rates of 34.84 cents per MMBtu for transportation under Rate Schedule TRG–1 of released gas delivered in Arkla's gathering facilities, 53.38 cents per MMBTu for transportation of other gas delivered into Arkla's gathering facilities, and 34.84 cents per MMBtu for transportation of gas delivered into Arkla's transmission system.

Arkla also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Arkla would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

Panhandle Eastern Pipe Line Company

[Docket No. CP85–659–000]

July 19, 1985.

Take notice that on June 28, 1985, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85–659–000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Harbison-Walker Refractories (Harbison-Walker) under its certificate issued in Docket No. CP83–83–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in its request on file with the Commission and open to public inspection.

Panhandle requests authority to transport gas on behalf of Harbison-Walker pursuant to a transportation agreement dated May 14, 1985, among Panhandle, Harbison-Walker and East Ohio Gas Company (East Ohio). Panhandle indicates that the agreement provides for Panhandle to receive a transportation quantity of up to 750 Mcf of gas per day, on an interruptible basis, at an existing point of interconnection between Panhandle and Graham Oil and Gas, Ltd.—Drilling Partnership 80 B., *et al.*, (Seller) in Dewey County, Oklahoma. Panhandle states that it would then transport and redeliver such gas, less a four percent reduction for fuel, to East Ohio at an existing point of receipt in Maumee, Ohio and that East Ohio in turn would make ultimate delivery to Harbison-Walker for its end use at its facilities in Windham, Ohio. Panhandle proposes to provide the requested service for a term expiring on the earlier of eighteen months from the date of the contract (May 14, 1985) or the termination date of authorization pursuant to Subpart F of 18 CFR Part 157.

Panhandle also requests flexible authority to add or delete sources of supply or receipt/delivery points if such altered service is on behalf of the same end-user, at the same end-user location, within the maximum daily and annual volumes authorized in this docket. Panhandle indicates that following the addition or deletion of any gas supplies or receipt or delivery points, it will file with the Commission certain information within thirty (30) days following the implementation of such changes.

Panhandle states that it would charge Harbison-Walker the rates provided by its Rate Schedule OST, including the Gas Research Institute surcharge. Panhandle estimates that the annual volume, peak day volume and average day volume of gas would be 270,000 Mcf, 750 Mcf and 750 Mcf, respectively, and that the volumes represent the total gas requirements for Harbison-Walker's plant.

Panhandle has submitted a letter from East Ohio indicating that it has sufficient capacity to transport the gas without detriment to its other customers and a statement from the producer-supplier indicating that the gas to be transported was not committed or dedicated to interstate commerce prior to November 8, 1978, and that the sale price does not exceed the maximum lawful price under the Natural Gas Policy Act of 1978.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

4. Tennessee Gas Pipeline Company, A Division of Tenneco Inc.

[Docket No. CP85–108–001]

July 19, 1985.

Take notice that on June 24, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85–108–001 an amendment to its pending application filed November 13, 1984, in Docket No. CP85–108–000 pursuant to section 7(c) of the Natural Gas Act so as to reflect certain changes in the proposed construction and operation of pipeline and appurtenant facilities in offshore and onshore Texas, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Tennessee states that in its application filed in Docket No. CP85–108–000, it proposed to construct and operate approximately 65 miles of 24-inch mainline extending from an interconnection on Tennessee's mainline system in Refugio County, Texas, to a terminus in Mustang Island Block 847 (MU 847). Tennessee also proposed to construct three laterals extending from the proposed offshore mainline.

Tennessee's amended application states that in order for it to take into account certain adjustments in the location and estimates of gas supply in the Texas Offshore Pipeline System (TOPS) area, it now proposes to construct and operate approximately 81 miles of 20-inch pipeline extending from its Texas system in Refugio County, Texas, via MU 847 to its terminus in MU A–31. Tennessee also proposes to acquire from Tenneco Oil Company (TOC), at a total cost of $64,000, two eight-inch risers which would be installed in MU 847 are prefabricated onshore. It is stated that this would reduce the cost of installation of the risers and reduce future risk of damage from barges and supply vessels since onshore installation permits internal attachment to the platforms versus external attachment when the work is done after the platforms are in place offshore.

Tennessee further states that the proposed facilities are required to attach reserves in at least 21 offshore blocks in the North Padre and Mustang Island areas of offshore Texas in which TOC, Amoco Production Company, Pennzoil Producing Company, and Gulf Oil Company have interests. It is also stated that Tennessee and TOC have entered into a letter of intent whereby gas produced from TOC's leases would be committed for purchase and transportation in TOPS. In addition to the above interests, Tennessee states that Sonat Exploration Company and Phillips Petroleum Company (Phillips) have discovered natural gas and are developing MU 791 and Exxon Corporation and Phillips have discovered natural gas and are developing MU 868. It is explained that Tennessee is also negotiating for the purchase of these interests.

Tennessee estimates that the blocks in the TOPS area contain proven and risk

adjusted potential reserves of 520,600,000 Mcf of gas with a maximum annual deliverability of 241,900 Mcf per day. It is indicated that the proposed facilities, including two laterals proposed to be constructed later under Tennessee's blanket certificate authorization in Docket No. CP82-413-000 are designed with a maximum capacity of 285,000 Mcf per day. The estimated cost of the system, it is explained, is $51,657,000 and the facilities would be ready for service during 1986-1987 winter heating season, a period which would coincide with a decline in Tennessee's system supplies. Tennessee states that it would finance the estimated cost of facilities initially from general funds and/or borrowing under its revolving credit agreement.

Comment date: August 9, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. United Gas Pipe Line Company

[Docket No. CP85-496-000]

July 19, 1985.

Take notice that on May 7, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-496-000, as supplemented June 7, 1985, and June 28, 1985, a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas on behalf of Bishop Pipeline Corporation (Bishop), which is acting as an agent for Allied Corporation-Chemical Sector (Allied), to be used for low-priority boiler fuel by Allied at its Chesterfield plant located in Hopewell, Virginia, under its cetificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request, as supplemented, on file with the Commission and open to public inspection.

United proposes to transport up to 7,500 Mcf of natural gas per day on behalf of Bishop. It is stated that United would receive the gas at the interconnection of United's and Bishop's facilities in St. Martin Parish, Louisiana. United would redeliver such gas for Bishop's account at the interconnection of United's and Columbia Gulf Transmission Corporation's (Columbia Gulf) facilities in Vermilion Parish, Louisiana. It is also stated that Columbia Gas Transmission Company (Columbia Gas) would receive the gas from Columbia Gulf and redeliver it to Commonwealth Pipeline and Commonwealth Services, the distributor serving Allied. United states that it would charge Bishop 11.09 cents per Mcf as set forth in United's Rate Schedule IT.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not with drawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17498 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-621-000, et al.]

ANR Pipeline Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP85-621-000]

July 17, 1985.

Take notice that on June 17, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP85-621-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued transportation of natural gas for various end-users, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR proposes to continue fifteen transportation services originally commenced under Sections 157.205 and 157.209 of the Commission's Regulations. ANR proposes to continue the transportation services through December 31, 1986.

ANR proposes to continue the transportation services listed below:

Name of end-user	Prior notice authorization	Proposed transportation volumes (Mcf per day)
Gulf States Utilities	CP84-121-000	50,000
Bethlehem Steel Corp., Inc.	CP84-172-000	65,000
ARMCO, Inc.	CP84-205-000	42,000
Gen Corp	CP84-247-000	3,000
3M Corp	CP84-282-000	7,000
Westvaco Corp	CP84-301-000	4,500
Gates Rubber Co	CP84-353-000	500
Briggs, a Division of the Celetex Corp	CP84-413-000	1,000
Sohio Chemical Co	CP84-453-000	90,000
Union Texas Petroleum Corp	CP84-549-000	15,000
Anchor Glass Corp	CP84-576-000	3,500
Fostoria Glass Container Corp	CP84-666-000	1,000
Sohio Oil Co	CP84-727-000	12,000
Vulcan Materials Co	CP85-45-000	14,000
Butler Manufacturing Co	CP85-371-000	900

ANR states that it would charge rates provided by its Rate Schedule EUT-1. ANR also indicates that transportation service by other pipelines is required to move the gas from the seller to the end-user. ANR requests waiver of § 284.122(b)(1) of the Commission's

Regulations on behalf of all third party intrastate shippers to permit the transportation services by ANR to be accomplished. ANR also advises that the local distribution companies providing complementary transportation service would do so pursuant to appropriate state authority.

Comment date: August 7, 1985, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gas Transmission Corporation

[Docket No. CP84-458-001]

July 17, 1985.

Take notice that on June 28, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-458-001 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue to transport natural gas on behalf of Mead Corporation (Mead) under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

By request noticed on June 20, 1984 in Docket No. CP84-458-000, pursuant to the prior notice and protest procedure set forth in § 157.205 of the Commission's Regulations, Columbia was authorized to transport up to 2.2 billion Btu equivalent of natural gas per day through May 1, 1985 to Mead's Chillicothe, Ohio, plant.

Columbia Transmission proposes to continue the above-described transportation through October 31, 1985 on the same terms and conditions as the existing transportation authority.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Columbia Gas Transmission Corporation

[Docket No. CP84-607-001]

July 17, 1985.

Take notice that on July 9, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-607-001 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue the transportation of natural gas on behalf of Yenkin-Majestic Paint Corporation (Yenkin-Majestic) under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

By request noticed on August 10, 1984, in Docket No. CP84-607-000, pursuant to the prior notice and protest procedure set forth in § 157.205, Columbia was authorized to transport up to 70 million Btu equivalent of natural gas per day through May 31, 1985, to Yenkin-Majestic's Columbus, Ohio, plant, subject to Columbia's Rate Schedules TS-1 and/or TS-2, as applicable.

Columbia proposes to continue the above-described transportation through October 31, 1985, pursuant to a May 3, 1985, gas transportation agreement on the same terms and conditions as originally authorized in Docket No. CP84-607-000.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Columbia Gas Transmission Corporation

[Docket No. CP85-666-000]

July 17, 1985.

Take notice that on July 1, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP85-666-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon two storage observation wells, all as more fully set forth in the application on file with the Commission and open to public inspection.

Columbia proposes to abandon Well No. H-110 in Dundee storage field located in Schuyler County, New York. Columbia states that the well has been used for observation purposes since 1954, is in deteriorated condition and is no longer required for the operation of Dundee storage field. Columbia also proposes to abandon Well No. 4206 in Pavonia storage field located in Ashland County, Ohio. Columbia states that it has been requested by the Board of Commissioners of Ashland County, Ohio, to plug Well No. 4206 due to a landfill project in the area surrounding this well. Columbia states that the well has been used for pressure observation purposes for several years and is no longer required for the operation of Pavonia Storage Field. Neither of the above wells would be replaced, it is stated.

Comment date: August 7, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Columbia Gas Transmission Corporation.

[Docket No. CP85-688-000]

July 16, 1985.

Take notice that on July 10, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-688-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Genstar Stone Products, Div. of FLintkote Co., Subsidiary of Genstar Products (Genstar) under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 1 billion Btu equivalent of natural gas per day for Genstar through October 31, 1985. Columbia states that the gas to be transported would be purchased from Raines Oil & Gas Corporation (Raines) and would be used as process gas in Genstar's Cockeysville, Maryland, plant.

Columbia states that it would receive up to 1 billion Btu equivalent of natural gas per day delivered into its pipeline system at an existing interconnection in Morgan County, Ohio, and would redeliver such gas to Baltimore Gas & Electric Company, the distribution company serving Genstar.

Columbia states that it would charge one of the following rates in its Rate Schedule TS-1 of its FERC Gas Tariff for the transportation service: (1) 29.93 cents per Mcf for gas received from receipt points other than Leach, Kentucky, provided the volumes are within the distributor's total daily entitlements (TDE), and (2) 41.27 cents per million Btu for gas received from receipt points other than Leach, Kentucky, if the volumes are in excess of the seller's customers' TDEs. Columbia further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. In addition, Columbia states it would collect the General R&D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Columbia also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Genstar. The flexible authority requested applies only to

points related to sources of gas supply, not to delivery points in the market area. Columbia would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: August 30, 1985, in accordance with Standard Paragraph G at the end of this notice.

6. K N Energy, Inc.

[Docket No. CP85-661-000]

July 17, 1985.

Take notice that on June 28, 1985, K N Energy, Inc. (K N), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP85-661-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate sales taps for the delivery of natural gas to certain end users under its certificate issued in Docket Nos. CP83-140-000, CP83-140-001 and CP83-140-002 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

K N proposes to construct and operate three sales taps to end users located along its jurisdictional pipeline as identified below:

Customer	Location of tap	Approximate quantity to be sold (Mcf)		End use of gas
		Peak day	Annual	
Resident/Occupant 85-42 Wick Grain Company	Lane Co., Kansas	2	120	Domestic
Resident/Occupant 85-43 Hubert Skucius	Thayer Co., Nebraska	2	120	Do
Resident/Occupant 85-44 Phyllis K. Rueb	Cheyenne Co., Kansas	2	120	Do

K N states that the proposed sales taps are not prohibited by its existing tariffs and that the additional taps would not have a significant impact on K N's peak day and annual deliveries. It is asserted that the natural gas delivered and sold by K N to the various end users would be priced in accordance with the currently filed rate schedules authorized by the applicable state or local regulatory body having jurisdiction.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Natural Gas Pipeline Company of America

[Docket No. CP85-654-000]

July 18, 1985.

Take notice that on June 27, 1985, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-654-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas for Olin Corporation (Olin) under the certificate issued in Docket No. CP82-402-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural proposes to transport up to 3.5 billion Btu equivalent of natural gas per day on an interruptible basis for Olin. Natural proposes to render the service until the earlier of an effective date of a final rule in Docket No. RM85-1-000, or until October 31, 1985. Natural states that Olin has entered into a gas sales agreement to purchase gas from Panhandle Trading Company and that such gas was not committed or dedicated to interstate commerce on November 8, 1978. Natural would receive natural gas for the account of Olin at an interconnection of facilities between Natural and Panhandle Eastern Pipe Line Company in Moultrie County, Illinois and transport and redeliver such gas for Olin's account at an existing interconnection of facilities between Natural and Northern Illinois Gas Company in Livingston County, Illinois for ultimate redelivery to Olin's plant in Joliet, Illinois, it is explained. Olin will use the gas for the processing of Phosphate products it is stated. Natural states that it would retain 0.7 percent of the volumes received to compensate for gas lost and unaccounted for and for gas used as fuel. Natural also requests flexibile authority to add and/or delete sources of gas and/or receipt points in performance of the service. Natural states that any changes made under the flexible authority would be on behalf of the same end-user, at the same end-use location, and would remain within the levels requested herein.

Natural would charge Olin a transportation charge of 2.8 cents per million Btu received for Olin's account plus the Gas Research Institute's surcharge, it is explained.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Panhandle Eastern Pipe Line Company

[Docket No. CP85-640-000]

July 17, 1985.

Take notice that on June 24, 1985, Panhandle Eastern Pipe Line Company (Panhandle Eastern), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-640-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Reinforced Plastics Division of DiversiTech General Inc. (Reinforced Plastics) under the certificate issued in Docket No. CP83-83 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle Eastern proposes to transport up to 2,000 Mcf of natural gas per day on an interruptible basis for Reinforced Plastics for 18 months should the Commission extend the end-user transportation program beyond June 30, 1985. Panhandle Eastern indicates that the gas to be transported would be purchased from Yankee Resources, Inc. (Yankee) and that it would receive said volumes at its Union Texas Chaney Dell plant in Major County, Oklahoma and Phillips Kingfisher plant in Kingfisher County, Oklahoma. Panhandle Eastern states it would transport and deliver said volumes, less a 4 percent retainer to Indiana Gas Company (Indiana Gas) in Grant County, Indiana. Panhandle Eastern further states that Indiana Gas would make ultimate delivery of said volumes to Reinforced Plastics for use in its boilers in its Marion, Indiana, facility.

Panhandle Eastern states that it commenced this transportation service on May 1, 1985 under the automatic authorization of section 157.209 of the Natural Gas Policy Act of 1978. Panhandle Eastern indicates that it would charge Reinforced Plastics 42.0 cents for each Mcf of natural gas transported with existing contract demand (CD) and 87.0 cents for each Mcf that exceeds that volume, which is in accordance with its Rate Schedule On-System Transportation System (OST). In addition, Reinforced Plastic would pay a Gas Research Institute surcharge, if applicable, it is stated.

Panhandle Eastern also requests flexible authority to add or delete receipt/delivery points associated with

sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Panhandle Eastern would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

9. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP85-622-000]

July 17, 1985.

Take notice that on June 17, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85-622-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of the National Railroad Passenger Corporation (Amtrak), an industrial end-user, under the certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee proposes to transport up to 3,120 MMBtu equivalent of natural gas per day on an interruptible basis for Amtrak for a term which is being negotiated. Tennessee indicates that the gas to be transported would be purchased from P&O Falco, Inc., and that it would receive said gas at its Lakeside dehydration purchase meter station in Chautauqua County, New York. Tennessee would transport the gas to The Southern Connecticut Gas Company (Southern Connecticut) at Tennessee's Trumbull sales meter station in Fairfield County, Connecticut. Southern Connecticut would transport the gas to Amtrak's New Haven Connecticut, maintenance yard for use as steam and electric power generation.

Tennessee indicates that it would charge Amtrak 17.14 cents for each Mcf of natural gas transported which is in accordance with its Rate Schedule ITEU. In addition, Amtrak would pay a Gas Research Institute surcharge, if applicable. Further Tennessee states that it would retain 3.10 percent of the volumes it receives for its system use, gas lost and unaccounted for.

Tennessee also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Amtrak. The flexible authority requested is to apply only to points related to sources of gas supply, and not to delivery points in the market area. Tennessee will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not increase those quantities.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

10. Texas Gas Transmission Corporation

[Docket No. CP85-623-000]

July 17, 1985.

Take notice that on June 17, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP85-623-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for an eligible end-user under the certificate issued in Docket No. CP82-407-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Assuming the Commission extends the blanket end-user program, Texas Gas requests authorization to transport beyond the primary term ending June 30, 1985, to October 31, 1985, up to 3.2 billion Btu of low-priority natural gas per day on an interruptible basis on behalf of Indiana Gas Company, Inc. (Indiana Gas), as agent for United States Gypsum Company (U.S. Gypsum), for ultimate delivery to U.S. Gypsum at its Shoals, Indiana, plant. Texas Gas states that it is possible for 1,168,000 million Btu of low-priority gas to be transported on an annual basis.

Texas Gas proposes to charge for its service the rate provided in its Rate Schedule TSC 3 for Rate Schedule G sales customers on file with the Commission, which is currently 21.90 cents, and the legally effective GRI surcharge of 1.25 cents.

Texas Gas indicates that the proposed transportation would be rendered through the use of existing facilities.

Texas Gas also indicates that the gas would be used for manufacture of wallboard and the calcinning of gypsum rock in U.S. Gypsum's Shoals, Indiana, plant. U.S. Gypsum has purchased its gas supplies from EnTrade Corporation, in a first sale, and such gas was not dedicated to interstate commerce on November 8, 1978, it is explained.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

11. Texas Gas Transmission Corporation

[Docket No. CP85-631-000]

July 17, 1985.

Take notice that on June 21, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP85-631-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of United Cities Gas Company (United Cities), as agent for Goodyear Tire and Rubber Company (Goodyear), under the certificate issued in Docket No. CP82-407-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport beyond the primary term ending June 30, 1985, to October 31, 1985, up to 6,000 MMBtu equivalent of natural gas per day, on an interruptible basis, for ultimate delivery to Goodyear at its Union City, Tennessee, plant. Goodyear is said to estimate its average daily requirement for this gas to be 3,000 MMBtu and to estimate its annual requirement for this gas to be 1,000,000 to 1,400,000 MMBtt.

Texas Gas proposes to charge for its service the rate provided in its Rate Schedule TSC 2 for Rate Schedule G sales customers, which is currently 19.50 cents, and the GRI surcharge of 1.25 cents.

Texas Gas indicates that the proposed transportation by Texas Gas would be rendered through the use of existing facilities.

Texas Gas also indicates that the gas would be used for process steam (boiler fuel for fire manufacturing) in Goodyear's Union City plant. Goodyear has purchased its gas supplies from UCG Energy Corporation, it is explained.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

12. Texas Gas Transmission Corporation

[Docket No. CP85-632-000]

July 17, 1985.

Take notice that on June 21, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in

Docket No. CP85-632-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Memphis Light, Gas and Water Division (Memphis), as agent for Ralston Purina Company (Ralston Purina), under the certificate issued in Docket No. CP82-407-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport beyond the primary term ending June 30, 1985, to October 31, 1985, up to 3,000 MMBtu equivalent of natural gas per day, on an interruptible basis, for ultimate delivery to Ralston Purina at its Memphis, Tennessee plant. The gas would be used for drying, process heat, and steam, it is explained. It is said to be possible for 1,095,000 MMBtu of gas to be transported on an annual basis.

Texas Gas proposes to charge for its service the rate provided in its Rate Schedule TSC 1 for Rate Schedule G sales customers which is currently 16.26 cents, and the GRI surcharge of 1.25 cents.

Texas Gas indicates that the proposed transportation would be rendered through the use of existing facilities.

Ralston Purina is said to have purchased the gas from Bishop Pipeline, an intrastate pipeline.

Comment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

13. Transcontinental Gas Pipe Line Corporation

[Docket No. CP85-677-000]

July 17, 1985.

Take notice that on July 5, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1296, Houston, Texas 77251, filed in Docket No. CP85-677-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport end-user gas on behalf of Lithium Corporation of America (Lithium) under the authorization issued in Docket No. CP82-426-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco proposes to transport on a peak day 3,900 dt equivalent; on an average day 2,600 dt equivalent; and on an annual basis 910,000 dt equivalent of gas for use at Lithium's chemical manufacturing plant in Bessemer City, North Carolina (Bessemer plant), for a term expiring October 31, 1985. It is stated that the natural gas to be transported would be purchased from GHR Energy Corporation (GHR), and would be used for process fuel and boiler fuel. It is stated that Transco would receive the gas at (1) the existing interconnection with GHR at Agua Dulce, Nueces County, Texas, (2) the existing interconnection with Valero Transmission Company in LaSalle County, Texas, (3) the existing interconnection with GHR at Miranda Prospect, Duval County, Texas and (4) the tailgate of the Katy Exxon gas plant in Waller County, Texas, and would redeliver on an interruptible basis, equivalent quantities (less quantities retained for compressor fuel and line loss make-up) to existing points of delivery with Public Service of North Carolina (Public Service). In turn, Public Service would redeliver such gas to the Bessemer plant.

Transco states that it would charge Lithium the currently applicable transportation rate in accordance with its Rate Schedule T-II, FERC Gas Tariff, Second Revised Volume No. 1. In addition, Transco states that it would apply its current transportation policy to the subject transportation which, among other things, requires that Lithium periodically provide Transco with affidavits which state that the subject transportation is not displacing sales which Transco would otherwise make under any of its firm sales rate schedules.

Transco states that Lithium is considering alternatives in the sources of supply of natural gas for delivery to the Bessmer plant. Transco further states that such modifications may involve different suppliers and/or changes in receipt/delivery points, but would not involve any increase in peak day, average day or annual volumes to be transported by Transco. Transco also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Transco will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Transco asserts that any changes made pursuant to such flexible authority would be on behalf of the same end user, Lithium, for use at the same end-use locations and would remain within daily and annual volume levels proposed herein.

Coment date: September 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

14. Trunkline Gas Company

[Docket No. CP85-665-000]

July 16, 1985.

Take notice that on July 1, 1985, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-665-000 a request pursuant to § 157.205 of the Commission's regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Allied Corporation, Chemical Sector (Allied) under the certificate issued in Docket No. CP83-84-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline proposes to transport up to 1,500 Mcf of natural gas per day for Allied through the earlier of (1) eighteen months from the effective date of transportation agreement, (2) termination of authorizations as provided by Subpart F of 18 CFR Part 157, or (3) termination of the agreement by either of the parties. Trunkline states that the gas to be transported would be purchased from Bishop Pipeline Corporation (Bishop) and would be used for boilers, calciners, dryer, incinerator and miscellaneous process use in Allied's plant in Metropolis, Illinois.

Trunkline indicates that it would receive up to 1,500 Mcf of natural gas per day delivered into its pipeline system at existing interconnections with Bishop's designees in Goliad and Hidalgo Counties, Texas and St. Mary Parish, Louisiana, and would then redeliver such gas to United Cities Gas Company (United Cities) a jurisdictional customer of Trunkline, in Massac County, Illinois. It is stated that United Cities would then deliver the gas to Allied's Metropolis, Illinois plant.

Trunkline states that it would charge Allied a rate set forth in Trunkline's Rate Schedule IT, which is currently (1) 32.85 cents per Mcf for gas received in Golaid County, Texas, (2) 40.75 cents per Mcf for gas received in Hidalgo County, Texas, and (3) 24.95 cents for gas received in St. Mary Parish, Louisiana. Trunkline indicates that these rates include the General R & D Funding Unit of the Gas Research Institute.

Trunkline also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Allied. The flexible

authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Trunkline would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: August 30, 1985, in accordance with Standard Paragraph G at the end of this notice.

15. United Gas Pipe Line Company

[Docket No. CP85-629-000]

July 17, 1985.

Take notice that on June 20, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-629-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing transportation of natural gas for Arco Oil and Gas Company, a Division of Atlantic Richfield Company (Arco), on an interruptible basis, under a gas transportation agreement dated January 25, 1985, all as more fully set forth in the application on file with the Commission and open to public inspection.

The agreement is said to provide for Arco to cause delivery of an aggregate total quantity of 6,000 Mcf of natural gas per day to United from various sources located in Panola County, Texas, through existing facilities. United would transport and redeliver the gas for Arco to an existing interconnection between the facilities of United and Arco near Southern Natural Gas Company's 10-inch Carthage line in Carthage Field, Panola County, Texas. United is proposing to transport the gas for a primary term ending January 15, 1987, and year to year thereafter.

United states that for each Mcf redelivered, United will charge Arco an amount equal to United's type I Rate (Rate Schedule IT) which includes a component for gas consumer in the operation of United's pipeline system. Currently, such rate is 11.09 cents per Mcf.

Comment date: August 7, 1985, in accordance with Standard Paragraph F at the end of this notice.

16. United Gas Pipe Line Company

[Docket No. CP85-649-000]

July 17, 1985.

Take notice that on June 26, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-649-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the consolidation of deliveries presently made at two delivery points to Zapata Haynie Corporation (Zapata) in Moss Point, Mississippi, to deliver the total volume at one point and for permission and approval to abandon the other points, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United proposes to deliver a maximum daily quantity of 2,700 Mcf of gas to Zapata at the Moss Point delivery point, instead of 1,500 Mcf at Moss Point and 1,200 Mcf at the Fish Meal delivery point. It is stated that the Fish Meal delivery point was used to serve a processing plant owned by Seacoast Products, Inc., which has now been acquired by Zapata. It is further stated that Zapata has requested, in a letter dated February 5, 1985, that United consolidate the two delivery points and eliminate the unnecessary facilities at the Fish Meal point.

United explains that the metering facilities would be removed at a cost of $1,200, with a salvage value of $2,145. It is asserted that the proposed abandonment would not result in a termination of service to any United's customers.

Comment date: August 7, 1985, in accordance with Standard Paragraph F at the end of this notice.

17. Westar Transmission Company, a Division of Cranberry Pipeline Corporation

[Docket No. CP82-396-001

July 17, 1985.

Take notice that on June 26, 1985, Westar Transmission Company, a Division of Cranberry Pipeline Corporation (Westar), P.O. Box 90, Amarillo, Texas 79189, filed in Docket No. CP82-396-001 a petition to amend the order issued October 8, 1982, in Docket No. CP82-396-000 pursuant to Section 7 of the Natural Gas Act so as to substitute Westar Transmission Company, a Division of Cranberry Pipeline Corporation, as the certificate holder in the docket in place of Westar Transmission Company, a Division of Pioneer Corporation (Pioneer), in order to reflect the change in ownership of the underlying Hinshaw facilities. Westar also requests that the Commission carry forward to it from Pioneer the Hinshaw exemption under Section 1(c) of the Natural Gas Act authorized by the Commission for Pioneer. The proposals are more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Westar states that effective September 29, 1984, the assets of Pioneer were acquired by Cranberry Pipeline Corpration and that Pioneer was redesignated Westar.

It is stated that by order issued October 8, 1982, the Commission issued to Pioneer a certificate under Section 7(c) of the Natural Gas Act and § 284.222 of the Commission's Regulations granting Pioneer blanket authorization with respect to its West Texas System to transport, sell and assign natural gas in interstate commerce as if Pioneer were an intrastate pipeline under the Natural Gas Policy Act of 1978. It is asserted that the Commission determined in that order that Pioneer is a Hinshaw pipeline exempt from the Commission's jurisdiction under section 1(c) of the NGA.

Comment date: August 7, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-17511 Filed 7-23-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180680; FRL-2868-5]

Florida Department of Agriculture and Consumer Services; Receipt of Application for Emergency Exemption To Use Fluridone; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the Florida Department of Agriculture and Consumer Services (hereafter referred to as "Applicant") to use the unregistered herbicide fluridone in 333 acres of Hygrophila-infested drainage and flood control canals. EPA is soliciting comment before making a decision whether or not to grant the exemption.

DATE: Comments must be received on or before August 8, 1985.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180680," should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Jim Tompkins, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716 B, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of the herbicide fluridone (CAS 59756-60-4) in Hygrophila-infested drainage and flood control canals in Florida. Information in accordance with 40 CFR 166 was submitted as part of this request.

The Applicant claims that Hygrophila (*Hygrophila polysperma* (Roxb)) has been rapidly expanding its range and developing increasingly troublesome infestations in the drainage and flood control canals of South Florida since 1980. The dense infestations which form when Hygrophilia grows under East Coast conditions severely restrict the operation and effectiveness of the flood control systems of the affected water management districts by clogging drainage canals and closing pump intake passages. The water management areas affected by the Hygrophilia infestations protect densely populated residential areas in South Florida. During periods of heavy rainfall, the almost instantaneous response of the drainage system is essential to prevent flooding in densely populated residential areas. Last year, several thousand dollars of structural damage was done to pumping stations due to mats of Hygrophilia on intake screens.

The Applicant states that laboratory studies indicate that currently registered herbicides are not highly effective in controlling Hygrophila. Field applications of diquat and endothall have only suppressed to a degree the Hygrophilia infestations and have not led to acceptable control of the problem. Control by mechanical equipment is not satisfactory because only a minor amount of the growth can be removed, and there are no rights-of-way for passage of machinery in urban areas. In addition, fragments are broken off the parent plants, each of which can develop into a new plant and spread the problem to adjacent areas.

The Applicant proposes to use a single application of four pounds active ingredient per treated acre or a split treatment of two applications at a rate of two pounds active ingredient per treated acre to control Hygrophila. The products Sonar AS (4 lbs. a.i./gal) or Sonar 5P (2 lbs. a.i./40 pound container), manufactured by Elanco Products Company, a Division of Eli Lilly and Company, is proposed to be used.

The use season is from June through November. The areas to be treated in the proposed program would be man-made drainage and flood control canals in the following water management districts: Broward County Water Management Division (40 acres), Central Broward Drainage District (10 acres), Coral Springs Improvement District (52 acres), Hollywood Reclamation District (6 acres), Lake Worth Drainage District (150 acres), Old Plantation Water Control District (50 acres), and South Florida Water Management District (25 acres).

Fluridone is currently an unregistered pesticide. A request for registration of Sonar for management of aquatic weeds in fresh water ponds, lakes, reservoirs, drainage canals, irrigation canals and rivers is currently pending before the Agency.

This notice does not constitute a decision by EPA on the application itself. Use of an unregistered chemical

under section 18 of FIFRA has been determined to be of national interest and therefore, the Agency has decided that public notice and opportunity for public comment pursuant to 40 CFR 166.10 is called for as a part of the informal adjudication for specific exemptions. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before August 8, 1985, and should bear the identifying notation "OPP-180680." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The comment period has been shortened in order to allow the Agency to make a timely decision regarding this application.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption request by Florida.

Dated: July 12, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-17410 Filed 7-23-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-42064; FRL-2809-6]

1,2-Dibromo-4-(1,2-Dibromoethyl)Cyclohexane; Response to the Interagency Testing Committee

Correction

In FR Doc. 85-11121 beginning on page 19460, in the issue of Wednesday, May 8, 1985, make the following corrections:

(1) On page 19464, in the second column, in the first complete paragraph, in the first line, the last figure should read "0.146".

(2) On page 19464, in the second column, in the second complete paragraph, in the fourteenth line, the last word should read "sperm".

(3) On page 19464, in the second column, in the third complete paragraph, in the seventh and eight lines, the material in parentheses should read "(Refs. 43 through 47)".

(4) On page 19465, in the third column, in paragraph (30), at the end of the last line, add "1952.".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1527]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

July 12, 1985.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to CFR § 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: AT&T Earnings on Interstate and Foreign Service During 1978. (CC Docket No. 79-187)

Filed by: Daniel I. Davidson & Joseph Van Eaton, Attorneys for Telecommunications Research and Action Center of 7-1-85. David S. Sather & Robert B. McKenna, Attorneys for The Mountain State Telephone and Telegraph Company, Northwestern Bell Telephone Company & Pacific Northwest Bell Telephone Company, on 7-3-85.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-17514 Filed 7-23-85; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

July 16, 1985.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of these submissions are available from Doris Peacock, FCC, (202) 632-7513. Comments should be sent to David Reed, Office of Management and Budget, Room 3235, NEOB, Washington, DC 20503 (202) 395-7231.

OMB No.: 3060-0054
Form No.: FCC 820
Title: Application for Exemption from Ship Radio Station Requirements
Action: Extension
Estimated Annual Burden: 200 Respondents; 400 Hours.

OMB No.: 3060-0020
Form No.: FCC 406
Title: Application for Ground Station Authorization in the Aviation Services
Action: Extension
Estimated Annual Burden: 3,071 Respondents; 3,839 Hours

OMB No.: 3060-0104
Form No.: FCC 572
Title: Temporary Permit to Operate a Part 90 Radio Station
Action: Extension
Estimated Annual Burden: 66,400 Recordkeepers; 6,640 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-17517 Filed 7-23-85; 8:45 am]

BILLING CODE 6712-01-M

Clarification of Pleading Cycle for Petitions for Reconsideration of Special Access Cost Order

On June 19, 1985, a listing of Petitions for Reconsideration filed in rulemaking proceedings was published in the **Federal Register** (Report #1519, 50 FR 25463). That listing erroneously included a petition for reconsideration of the March 8, 1985 Special Access Cost Order in CC Docket No. 83-1145, Phases I and II, Part I, filed by Satellite Business Systems (SBS). Previous notice of this petition had been published on May 22, 1985, 50 FR 21118. This earlier notice explained that SBS's petition had been inadvertently omitted from an even earlier listing of petitions for reconsideration, published on May 10, 1985, 50 FR 19805. The pleading cycle established for oppositions in the May 10 notice remains unchanged. Oppositions were due on May 28, 1985. No other pleading cycle has been established.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-17518 Filed 7-23-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice

appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217–010612–001.

Title: Linabol–CSAV Vessel/Space Charter Agreement.

Parties:

Lineas Navieras Bolivianas

Compania Sud Americana de Vapores

Synopsis: The proposed amendment would modify the agreement to provide that the parties shall maintain separate general agents, but may solicit and book cargoes through common subagents in the United States. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: July 19, 1985.

Mary F. Whitmore,

Assistant to the Secretary.

[FR Doc. 85–17604 Filed 7–23–85; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank of New England Corp. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and §225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 15, 1985.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank of New England Corporation,* Boston, Massachusetts; to acquire through its subsidiary BNE Holding Corporation, Boston, Massachusetts, 100 percent of the voting shares of Maine National Corp., Portland, Maine, thereby indirectly acquiring Maine National Bank, Portland, Maine.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens Bancorp of Lawrence,* Moulton, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank, Moulton, Alabama.

2. *Great American Corporation,* Baton Rouge, Louisiana; to acquire 100 percent of the voting shares of State Bank & Trust Company of Golden Meadow, Golden Meadow, Louisiana.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F & M Merger Corporation,* Kaukauna, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of WCB Corporation, Omro, Wisconsin, thereby indirectly acquiring Winnbago County Bank, Omro, Wisconsin.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Crown Bancshares, Inc.,* San Antonio, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Crown Bank, N.A., San Antonio, Texas, a *de novo* bank.

2. *Thornton Bancshares, Inc.,* Thornton, Texas; to become a bank holding company by acquiring 99.166 percent of the voting shares of First State Bank, Thornton, Texas.

Board of Governors of the Federal Reserve System, July 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–17552 Filed 7–23–85; 8:45 am]

BILLING CODE 6210–01–M

Bankers Trust New York Corp.; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 16, 1985.

A. Board of Governors of the Federal Reserve System, William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Bankers Trust New York Corporation,* New York, New York; to engage through its subsidiary, BT Futures Corp., New York, New York, in the activities of the execution and clearance of stock index futures contracts and options thereon, and other financially-related index futures contracts that are now or may be offered from time to time on the major commodity exchanges, for nonaffiliated persons. This application may be inspected at the Federal Reserve Bank of New York. These activities have been approved by Board Order as permissible for bank holding companies. *J.P. Morgan & Co. Incorporated,* 71 Federal Reserve Bulletin 751 (1985).

Board of Governors of the Federal Reserve System, July 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–17553 Filed 7–23–85; 8:45 am]

BILLING CODE 6210–01–M

Louisiana Bancshares, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 13, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Louisiana Bancshares, Inc.*, Baton Rouge, Louisiana; to engage *de novo* through its subsidiary, Louisiana National Mortgage Company, St. Tammany, Louisiana, in the activity of acquiring, selling, and servicing loans.

Board of Governors of the Federal Reserve System, July 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-17554 Filed 7-23-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions and Delegations of Authority

Part A, Office of the Secretary, of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services is amended. Chapter AMM (Office of Management Analysis and Systems) as last amended at 49 FR 35423 on September 7, 1984, and Chapter AMN (Office of Finance) as last amended at 49 FR 35424 on September 7, 1984 are amended to reflect the transfer and renaming of the Division of Financial Systems Applications from the Office of Finance to the Office of Management Analysis and Systems. The changes to these chapters are as follows:

(1) Chapter AMN—

(a) Amend Section AMN 10, Organization, by deleting "Division of Financial Systems Applications (AMN 4)."

(b) Amend Section AMN.20, Functions, by deleting, in its entirety, Subsection 4.

(2) Chapter AMM—

(a) Amend Section AMM.20, Functions, by adding the following paragraph to Subsection AMM.20B, Office of Computer and Information Systems:

(d) Division of Systems Applications is responsible for:

(1) Designing, developing, implementing, and maintaining assigned computer-based system applications. This includes, for example, the Departmental Accounting System, the Departmental Payment Management System, and related subsystems, software, and procedures for Departmentwide use.

(2) Assuring that applications are properly integrated where feasible to improve the timeliness and accuracy of administrative and management information, and to promote efficient and effective use of resources.

(3) Developing and recommending policies for managing the design, development, modification, and maintenance of assigned computer-based systems and the acquisition of associated resources.

(4) Developing and maintaining systems specifications and software, and supporting the users/program sponsors in the acquisition of the software and hardware necessary to meet approved Departmental requirements.

(5) Performing all data base management and administration functions for assigned systems.

(6) Assuring the physical and data security of assigned systems, and conducting risk analyses as necessary.

(7) Serving as a technical expert an adviser to the Operating Divisions, the Staff Divisions, and the Regions on the computer aspects (hardware, data base systems, software, telecommunications) of administrative and management information systems.

(8) Supporting users/program sponsors in the development and maintenance of near and long-term ADP plans for the development and operation of assigned systems.

Dated: July 16, 1985.

John J. O'Shaughnessy,

Assistant Secretary for Management and Budget.

[FR Doc. 85-17571 Filed 7-23-85; 8:45 am]

BILLING CODE 4110-60-M

Food and Drug Administration

[Docket No. 85F-0234]

Angus Chemical Co.; Filing of Food Additive Petition

Correction

In FR Doc. 85-16208 appearing on page 28033 in the issue of Tuesday, July 9, 1985, make the following correction: In the second column, in the first line, "suspervisions" should read "suspensions".

BILLING CODE 1505-01-M

[Docket No. 85M-0290]

Bausch & Lomb, Inc.; Premarket Approval of Bausch & Lomb ® Sensitive Eyes ™ Daily Cleaner

Correction

In FR Doc. 85-16209 beginning on page 28033 in the issue of Tuesday, July 9, 1985, make the following corrections:

1. On page 28033, in the third column, in the first complete paragraph, in the second line, "19076" should read "1976".

2. On page 28034, in the second column, in the first paragraph, in the fourth line, "360(h)" should read "360j(h)".

BILLING CODE 1505-01-M

[Docket No. 85F-0233]

B.F. Goodrich Co.; Filing of Food Additive Petition

Correction

In FR Doc. 85-16207 appearing on page 28034 in the issue of Tuesday, July 9, 1985, make the following correction: In the second column, in the **SUMMARY**, in the tenth line, remove the word "and".

BILLING CODE 1505-01-M

Health Care Financing Administration

Proposed Amendment to System of Records; Privacy Act of 1974; Correction

AGENCY: Health Care Financing Administration, HHS.

In FR Doc. 85-15779, on page 27361, in the issue of Tuesday, July 2, 1985, middle column, first complete paragraph, tenth line, change 47 FR 45696 (1982) to read 49 FR 49942 (1984).

Dated: July 16, 1985.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 85-17493 Filed 7-23-85; 8:45 am]

BILLING CODE 4120-03-M

Public Health Service

Health Resources and Services Administration; Grants

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice regarding grants to Health Systems Agencies (HSAs)—Determination of Population of Health Service Areas.

SUMMARY: This notice provides the population figures the Department will use when it determines the amount of grants to health systems agencies.

SUPPLEMENTARY INFORMATION: Section 1516 of the Public Health Service Act (added by the National Health Planning and Resources Development Act of 1974, Pub. L. 93-641 and the Health and Resources Development Amendments of 1979, Pub. L. 96-79), authorizes the Secretary of Health and Human Services to make grants (hereinafter referred to as "planning grants") to health systems agencies to assist them in meeting their costs of operation. The amount of the planning grant to each health systems agency is determined in accordance with a formula set forth in amended section 1516, and is based upon a determination by the Secretary of the population of the health service area to be served by each agency. The governing regulations, at 42 CFR 122.205, provide that the Secretary will determine the population of the areas based upon the latest available estimate from the Department of Commerce, and will publish annually, in the **Federal Register** a list of health service areas and their populations. The populations of the health service areas are to be published prior to the final allocation of funds in each fiscal year.

In accordance with the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) the Govenors of ten States (Alabama, Florida, Indiana, Kentucky, Louisiana, Maine, Missouri, Nebraska, South Dakota, and Texas) have requested and received approval from the Secretary for their States to be designated under section 1536 of the Act. Therefore, the attached population figures exclude the HSAs in these States since they have been eliminated in accordance with section 1536. Additionally, pursuant to section 1536 of the Act, certain States (Hawaii and Rhode Island), do not health service areas established within them or health systems agencies designated for them, but are nonetheless eligible to receive planning grants under section 1516 based in part upon their population. This Notice sets forth the populations of Hawaii and Rhode Island as of July 1, 1982, on the same basis as for health service areas.

The Secretary of Health and Human Services has determined, for purposes of the determination of planning grants for health systems agencies for Fiscal Year 1985, that the population of the health service areas and the areas designated under section 1536 are to be derived from the population counts for the countries and incorporated places based on the Bureau of Census, Publication Series P-26, Number 82-1-SC through 82-50-SC, "1982" Population Estimates for Counties and Incorporated Places," for July 1, 1982. The population counts for Puerto Rico and he outlying areas are based on the Bureau of Census, Publication Series P-25, Number 960, "Estimates of Puerto Rico and the Outlying Areas," for July 1, 1983. These population reports furnish the latest available census population counts for the population of States by counties, incorporated places, and selected minor jurisdictions which are on a comparable, uniform, and consistent basis as needed for the derivation of population totals for health service areas. Data from the Department of Treasury, Office of Revenue Sharing, "Census Tribal Population List", were used to make adjustments of the population of health service areas in Arizona and the health service area that includes portions of Arizona, New Mexico, and Utah.

Accordingly, as described above, the Secretary has made the following determination of the populations of the health service areas and areas designated under section 1536.

Dated: July 17 1985.

John H. Kelso,

Acting Administrator.

HEALTH SERVICE AREA POPULATIONS [1] FOR PURPOSES OF DETERMINATION OF PLANNING GRANTS

Health service area	Population
Alaska:	
1	55,832
2	302,569
3	91,651
Arizona:	
1	1,744,885
2	713,251
3	200,842
4 Incl. UT #—4,732 and NM #2—53,853	132,972
5	158,095
Arkansas:	
1	728,141
2	577,238
3	505,705
4	492,773
California:	
1	693,365
2	1,334,421
3	667,905
5	1,816,068
6	875,536
7	1,329,283
8	693,701
9	1,386,356
10	886,763
12	1,707,571
13	2,013,801
14	2,059,508
Colorado: 2	637,642
Connecticut:	
2	601,481
3	505,078
4	901,039
5	499,966
Delaware: 1	599,866
District of Columbia: 1536	623,000
Georgia:	
2	574,289
3	2,405,793
4 Incl. SC #5—108,359	676,272
5 Incl. AL #2—47,303	835,798
dHawaii: 1536	997,642
Idaho: 1	974,916
Illinois:	
1	591,073
2	710,261
3	581,143
4	798,027
5	647,610
6	2,997,144
7	2,940,850
8	883,022
9	496,158
10 Incl. IA #3—203,390	444,838
11	565,520
Iowa:	
1	2,710,069
(3) See IL #10	
Kansas:	
2	603,965
3	837,480
Maryland:	
1	337,835
2	594,276
3	844,383
4	2,191,238
5	301,369
Massachusetts:	
1	799,934
2	684,846
3	495,040
4	2,099,701
5	1,042,553
6	631,352
Michigan:	
1	4,560,322

HEALTH SERVICE AREA POPULATIONS [1] FOR PURPOSES OF DETERMINATION OF PLANNING GRANTS—Continued

Health service area	Population
2	693,594
3	776,016
4	1,098,763
5	579,321
6	762,980
7	326,361
8	318,206
Minnesota:	
(1) See ND #2	
2 (Incl. WI 3 #7—139,594	480,160
(3) See ND #3	
4	464,372
5	2,037,467
6	526,461
Mississippi: 1	2,567,290
Montana: 1	804,301
Nevada:	
1	366,649
2	510,757
New Jersey:	
1	1,293,172
2	1,956,278
3	559,026
4	2,072,480
5	1,531,174
New Mexico:	
1	1,312,653
(2) See AZ #4	
New York:	
1	1,640,127
2	1,204,886
3	1,397,012
4 Incl. PA #8—108,368	420,735
5	1,358,257
6	1,934,103
7	7,086,096
8	2,601,652
North Carolina:	
1	1,040,361
2	1,134,713
3	1,025,375
4	841,972
5	915,495
6	1,058,156
North Dakota:	
2 Incl. MN #1—160,970	307,302
3 Incl. MN #3—203,047	411,643
Ohio:	
1	1,495,518
2	1,106,532
3	412,840
4	1,015,944
5	1,631,981
6	731,657
7	845,231
8	655,951
9	2,152,283
10	741,483
Oklahoma: 1	3,211,813
Oregon:	
1	1,165,561
2	1,147,312
3	360,492
Pennsylvania:	
1	3,689,426
2	945,164
3	806,861
4	1,438,367
5	755,056
6	2,870,723
(8) See NY #4	
9	500,259
Rhode Island: 1536	953,773
South Carolina:	
1	839,160
2	886,274
3	640,476
4	736,464
(5) See GA #4	
Tennessee:	
1 Incl. VA #6—91,102	515,081
2	865,932
4	1,543,199
6	867,108

HEALTH SERVICE AREA POPULATIONS [1] FOR PURPOSES OF DETERMINATION OF PLANNING GRANTS—Continued

Health service area	Population
Utah:	
1	1,558,747
(2) See AZ #4	
Vermont: 1	518,646
Virginia:	
1	708,108
2	1,164,327
3	1,164,893
4	974,827
5	1,375,980
(6) See TN #1	
Washington:	
1	2,633,244
2	814,844
3	505,751
4	529,427
Wisconsin:	
1	839,603
2	1,765,208
5	605,351
6	408,123
(7) See MN #2	
American Samoa: 1536	34,500
Guam: 1536	116,400
Mariana Islands: 1537	18,200
Puerto Rico: 1536	3,267,000
Trust Territory: 1536	124,000
Virgin Islands: 1536	103,800

[1] Population for the United States based on Bureau of the Census, Current Population Reports, Series P-26, No. 82-SC, population estimates as of July 1, 1982. Population for Puerto Rico and the outlying areas is based on the Bureau of the Census, Current Population Reports, Series P-25, No. 960, population estimates as of July 1, 1983.

[FR Doc. 85-17524 Filed 7-23-85; 8:45 am]

BILLING CODE 4160-16-M

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending September 30, 1985 and Rate of Insurance Premium"

Section 727 of the Public Health Service Act (42 U.S.C. 294) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professionals schools.

A. Section 60.13(a)(4) of the program's implementing regulations (42 CFR Part 60, previously 45 CFR Part 126) provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending September 30, 1985, two interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 11⅜ percent. Using the regulatory formula (45 CFR 126.13(a) (2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (7.78 percent), and rounding the result (11.28 percent) upward to the nearest ⅛ percent (11⅜ percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. Because the average rage of the 4 quarters ending September 30, 1985 is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 11⅞ percent for the quarter ending December 31, 1984; 11¾ percent for the quarter ending March 31, 1985; and 12 percent for the quarter ending June 30, 1985.

2. For fixed rate loans executed during the period of July 1, 1985 through September 30, 1985, and for variable rate loans executed after January 27, 1981, the interest rate is 11⅜ percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (7.78 percent); adding 3.50 percent (11.28 percent); and rounding that figure to the next higher one-eight of 1 percent (11⅜ percent).

B. Section 60.14(b) of the regulations provides that the date of the insurance premium shall not exceed 2 percent per year of the loan principal and that the Secretary will announce the rate of the insurance premium on a quarterly basis through a notice published in the **Federal Register.**

The Secretary announces that for the period ending September 30, 1985, the rate of the insurance premium continues to be 2 percent per year of the loan principal for loans executed through the HEAL program.

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: July 17, 1985.

John H. Kelso,

Acting Administrator.

[FR Doc. 85-17523 Filed 7-23-85; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

For the Use and Distribution of the Mescalero Apache Tribe Indian Judgment Funds In Docket 89-79L Before the United States Claims Court

July 11, 1985.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indians Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on November 2, 1984 in satisfaction of the award granted to the Mescalero Apache Tribe before the United States Claims Court in Docket 89-79L. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated February 11, 1985 and was received (as recorded in the *Congressional Record*) by the Senate on February 25, 1985, and by the House of Representatives on March 7, 1985. The plan became effective on June 9, 1985 as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

For the Use of the Judgment Funds Awarded to the Mescalero Apache Tribe in Docket 89-79L before the United States Claims Court

The funds appropriated on November 2, 1984, in satisfaction of a judgment granted to the Mescalero Apache Tribe in Docket 89-79L by the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used as herein provided.

The Mescalero tribal governing body shall utilize the funds to apply on loans from the First Interstate Bank and the Sierra Blanca Ski Enterprises. Any funds remaining shall be utilized by the tribal governing body on a budgetary basis for operating expenses or for social and economic programs subject to the approval of the Secretary of the Interior.

None of the funds made available under this plan for programming shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such households or members would otherwise be entitled under the Social Security Act or, except for benefits in excess of $2,000, any Federal or federally assisted programs.

Hazel E. Elbert,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85-17598 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-02-M

Plan for the Use and Distribution of the San Pasqual Band's Judgment Funds In Docket 80-A Before the United States Claims Court

July 11, 1985.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claim Commission or Court of Claims to any Indian tribe. Funds were appropriated on January 3, 1984, in satisfaction of the award granted to the San Pasqual Band of Indians before the United States Claims Court in Docket 80-A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 31, 1984, and was received (as recorded in the *Congressional Record*) by the Senate on January 25, 1985, and by the House of Representatives on January 21, 1985. The plan became effective on April 27, 1985, as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

The funds of the San Pasqual Band appropriated January 3, 1984, in Docket 80-A before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as follows:

Per Capita Payment Aspect

Eighty (80) percent of the funds shall be distributed in the form of per capita payments by the Secretary of the Interior (hereinafter the "Secretary") in sums as equal as possible to all tribal members born on or prior to and living on the effective date of this plan.

Programing Aspect

Twenty (20) percent of the funds, and any amount remaining from the per capita payment provided above, shall be invested by the Secretary and utilized by the tribal governing body on a budgetary basis, subject to the approval of the Secretary, for tribal social and economic development programs.

General Provisions

The per capita shares of living, competent adults shall be paid directly to them. The shares of decreased individual beneficiaries shall be determined and distributed in accordance with 43 CFR Part 4, Subpart D. The shares of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended.

None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares in excess of $2,000, any Federal or federally assisted programs.

Hazel E. Elbert,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85-17597 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CA 14313]

Exchange of Public and Private Lands in Trinity and Humboldt Counties and Order Providing for Opening of Public Lands; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document and order providing for opening of public lands.

SUMMARY: The purpose of this exchange was to acquire non-Federal lands within the Six Rivers National Forest for more effective management by the Forest Service U.S. Department of Agriculture. The land acquired in this exchange will be opened to such forms of disposition as may be by law by made of national forest lands. The public interest was well served through completion of this exchange.

EFFECTIVE DATE: June 19, 1985.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 978-4315.

SUPPLEMENTARY INFORMATION: The United States issued an exchange conveyance document to Paul Orban on June 19, 1985, under the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), for the following described land:

Humboldt Meridian, California

T. 1 S., R. 5 E.,
Sec. 10, NE¼NW¼ and N½NE¼;
Sec. 15, NW¼SW¼.

Comprising 160 acres of private land in Humboldt County.

In exchange for these lands, the United States acquired the following described land from Paul Orban:

Humboldt Meridian, California

T. 1 S., R. 6 E.,
Sec. 5, SW¼SW¼;
Sec. 8, W½NW¼ and NW¼SW¼.

Comprising 160 acres of public land in Trinity County.

Upon acceptance of title to the private land describe above, they became part of the Six Rivers National Forest and are subjet to all the laws, rules, and regulations applicable thereto.

At 10 a.m. on August 23, 1985, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the land should be addressed to the Forest Supervisor, Six Rivers National Forest, 507 F Street, Eureka, CA 95501.

Dated: July 15, 1985.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-17596 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-40-M

Public Information Request for the Green River-Hams Fork Federal Coal Region, Colorado and Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management wishes to determine leasing interest in all areas available for further leasing consideration within the Green River-Hams Fork Federal Coal Region.

DATE: Public input is welcome through October 1, 1985.

ADDRESS: Public input should be submitted to the Chief, Branch of Solid Minerals, Bureau of Land Management (CO-921), 2020 Arapahoe Street, Denver, Colorado 80205.

FOR FURTHER INFORMATION CONTACT: Kenneth Smith, Branch of Solid Minerals, Bureau of Land Management (CO-921), at the above address, telephone (303) 294-7139.

SUPPLEMENTARY INFORMATION: By **Federal Register** notice on May 13, 1985, the Bureau of Land Management requested re-expressions of coal leasing interest on the coal tracts under leasing consideration in the *Draft Environmental Impact Statement, Green River-Hams Fork Federal Coal Region, Round Two, August 1983.* In response, the Bureau received re-expressions of interest for some of the tracts and unsolicited expressions of interest for additional tracts. In order to fully assess the leasing interest through the region, the Bureau would like to know the degree to which additional leasing interest exists beyond the existing tracts. The public, therefore, is invited to indicate regional leasing interest where areas are available for leasing considerations. Those parties that submitted letters in response to the May 13, 1985, notice do not need to provide additional input, unless their interest changes.

The areas available for leasing consideration are set out in Bureau land use plans. The Bureau's Rawlins, Rock Springs and Craig District Offices can supply these plans for the region.

Information received in response to this notice will be furnished to the Green River-Hams Fork Regional Coal Team. The team is expected to review this information in the development of Federal coal leasing recommendations for the Secretary of the Interior, provided that the Secretary decides to continue coal activity planning under the Federal Coal Management Program.

Kannon Richards,

State Director.

[FR Doc. 85-17594 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-JB-M

Montana; Decision To Drop Sleeping Giant, MT, From Wilderness Study Status

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Decision to Drop Sleeping Giant, Montana from Wilderness Study Status.

SUMMARY: This action is based on a Solicitor's Opinion dated March 16, 1982, which advised that lands acquired by exchange or other acquisition authority after October 21, 1976, are not subject to section 603 of FLPMA, BLM Wilderness Study. Therefore, the Sleeping Giant area (Inventory Number MT-075-111) is not subject to Wilderness and will not be further studied for wilderness.

SUPPLEMENTARY INFORMATION: The Sleeping Gian unit originally consisted of 11 scattered parcels of public land totalling 6,858 acres. Intermixed with the public land were privately owned and State of Montana owned parcels. As the contiguous federal lands were less than 5,000 acres, the area was dropped from further wilderness review in the Intitial Inventory of August 1979, with the culmination of a land exchange that transferred to federal control 5,718 acres of privately owned land located in the Sleeping Giant area, and the need to clarify the wilderness review of the area for the ongoing Headwaters Resoruce Management Plan, BLM chose to initiate an intensive inventory of Sleeping Giant.

The inventory was announced in the **Federal Register** Vol. 46: No. 142: July 24, 1981, and completed in August 1981. Further study, however, was dependent on a forthcoming Interior Department Solicitor's Opinion on the issue of wilderness study on post-FLPMA acquired lands. The March 16, 1982, opinion stated that BLM was not required to conduct wilderness review on lands acquired after October 21, 1976, the date of FLPMA. The Sleeping Giant area will not be studied further for wilderness. For further information, contact Jack McIntosh, Butte District Manager, 106 N. Parkmont, P.O. Box 3388, Butte, Montana 59701; telephone: (406) 494-5059.

Marvin LeNoue,

Acting State Director.

July 15, 1985.

[FR Doc. 85-17593 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-DN-M

[OR-39055]

Oregon; Proposed Withdrawal and Reservation of Lands and Opportunity for Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army has filed an application to withdraw approximately 380 acres of public land for the U.S. Army Central Oregon Test Facility. This notice closes the land to surface entry and mining, but not mineral leasing, pending final action on the application.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone: 503-231-6905).

SUPPLEMENTARY INFORMATION: On June 27, 1985, a petition was filed by the Department of the Army to withdraw

the following described public lands from settlement, sale location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Willamette Meridian

T. 15 S., R. 14 E.,
Sec. 31, SE¼ and the portion of the E½SW¼ lying easterly of the easterly right-of-way line of the Frank McCaffery County Road.
T. 18 .S, R. 13 E.,
Sec. 11, SE¼.

The areas described aggregate approximately 380 acres in Crook and Deschutes Counties, Oregon.

The purpose of the proposed withdrawal is to protect the Central Oregon Test Facility of the U.S. Army Electronics Research and Development Command involving two separate parcels located near Bend and Redmond in central Orgeon.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, the time and place will be announced.

The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

For a period of 90 days from the date of publication of this notice, in the **Federal Register**, the lands will be segregated as specified above unless the application is rejected or the withdrawal is approved to that date. The temporary uses which will be permitted during the segregative period are leases, licenses, permits, and disposal of mineral or vegetative resources other than under the mining laws.

Dated: July 15, 1986.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals.

[FR Doc. 85-17597 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-33-M

Roswell District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Roswell District Advisory Board Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATE: Wednesday, August 21, 1985, beginning at 10:00 a.m. A public comment period will be held following the last agenda item.

Location: BLM Roswell District Office, 1717 West Second St., Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Dave L. Mari, Associate District Manager or Guadalupe G. Martinez, Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201 (505) 622-9042.

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) Wilderness Update; (2) Recommendation of FY 86 Range Improvement Projects; (3) Status of FY 85 Range Improvement Projects; (4) East Roswell Grazing Decisions Update; (5) Slide Presentation—Prescribed Burn; (6) Antelope Habitat Study; and (7) Expenditure of 8100 funds. The meeting is open to the public. Interested persons may make oral statements to the Board during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the Associate District Manager by August 12, 1985. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting. Copies will be available for the cost of duplication.

Francis R. Cherry, Jr.,

District Manager.

[FR Doc. 85-17592 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-FB-M

[U-44429]

Utah; Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; Duchesne County

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of competitive oil and gas lease U-44429 for lands in Duchesne County, Utah, was timely filed and required rentals and royalties accuring from March 1, 1985, the date of termination, have been paid.

The lessee has agreed to new terms for rentals at rates of $10 per acre and royalties at rates of not less than 16⅔ percent, computed on a sliding scale 4 percentage points over the competitive royalty schedule attached to the lease. The $500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this Notice.

Having met all the requirements for reinstatement of lease U-44429 as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate this lease, effective March 1, 1985, subject to the original terms and conditions of this lease and the increased rental and royalty rates cited above.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-17494 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-DQ-M

Utah; Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; San Juan County

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-53174 for lands in San Juan County, Utah, was timely filed and required rentals and royalties accruing from March 1, 1985, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The $500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this Notice.

Having met all the requirements for reinstatement of lease U-53174 as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective March 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-17495 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-DQ-M

Montana; Filing of Plats of Survey

AGENCY: Bureau of Land Management, Montana State Office.

ACTION: Notice of Filing of Plats of Survey.

SUMMARY: Plats of survey of the lands described below accepted June 7, 1985, were officially filed in the Montana State Office effective 8 a.m. on June 28, 1985.

Principal Meridian, Montana

T. 31 N., R. 31 E.

The plat represents the dependent resurvey of a portion of the seventh Auxiliary Guide Meridian East, through Township 31 North, a portion of the north boundary, and a portion of the subdivisional lines; and the survey of the subdivision of sections 5 and 6, Township 31 North, Range 31 East, Principal Meridian, Montana. The area described is in Phillips County.

Principal Meridian, Montana

T. 30 N., R. 37 E.

The plat represents the dependent resurvey of a portion of the north boundary, a portion of the subdivisional lines; and the survey of the subdivision of sections 2 and 11, Township 30 North, Range 37 East, Principal Meridian, Montana. The area described is in Valley County.

These surveys were executed at the request of the Lewistown District Office for the Administrative needs of the Bureau.

EFFECTIVE DATE: June 28, 1985.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

Dated: July 8, 1985.

Richard A. Dickman,

Acting Chief, Branch of Records.

[FR Doc. 85-17551 Filed 7-23-85; 8:45 am]

BILLING CODE 4310-DN-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-213]

Certain Fluidized Bed Combustion Systems; Grant of Respondents' Application for Interlocutory Review of Administrative Law Judge's Order No. 4, Denial of Complainant's and the Commission Investigative Attorney's Applications for Interlocutory Review of Order No. 4, and Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Grant of respondents ASEA STAL Inc., and ASEA STAL AB's (collectively referred to as Stal Laval) application to review Order No. 4, denial of complainant's Wormser Engineering, Inc. (Wormser) and the Commission investigative attorney's (IA) applications to review Order No. 4 and termination of investigation.

SUMMARY: The Commission granted Stal Laval's application for review of those portions of the administrative law judge's (ALJ) Order No. 4 relating to the question of the effect of an agreement to arbitrate disputes arising under a license on the Commission's exercise of jurisdiction in this investigation. The Commission denied Stal Laval's request for oral argument on this issue. The Commission denied Wormser's and the IA's applications for review of the issue of whether the Commission can find patent infringement and grant a remedy on the basis of a contract for sale and imminent importation of an identifiable product. The Commission determined to terminate this investigation.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of General Counsel, telephone 202-523-0189.

SUPPLEMENTARY INFORMATION: On January 10, 1985, the Commission voted to institute the above-captioned investigation to determine whether there was a violation of section 337 in the unlawful importation into the United States of certain fluidized bed combustion systems, or in their sale, by reason of alleged: (1) Infringement of claims 1, 4, 5, or 8 of U.S. Letters Patent 4,279,205; (2) infringement of claims 1, 2, 4, or 5 of U.S. Letters Patent 4,303,023; (3) misappropriation of trade secrets, and (4) fraudulent inducement to enter into a license agreement, the effect or tendency of which is to destroy or substantially injure an efficiently and economically operated industry in the United States and/or prevent the establishment of such an industry.

On February 11, 1985, respondents ASEA STAL Inc., and ASEA STAL AB (collectively referred to as Stal Laval) filed a motion to dismiss the investigation for lack of subject matter jurisdiction and the existence of an agreement to subject all disputes concerning the licensing agreement at issue to arbitration. The IA and complainant Wormser opposed the motion.

The ALJ considered Stal Laval's motion for dismissal as a motion for summary determination, and on March 21, 1985, denied the motion. Order No. 4. All three parties to the investigation sought permission to request interlocutory review of Order No. 4. On April 15, 1985, the ALJ granted the motions and stated that any party may file an application for review of Order No. 4 pursuant to § 210.70(b) of the Commission's rules.

Stal Laval, Wormser, and the IA all filed requests for review of at least portions of Order No. 4. Stal Laval sought review on the arbitration and jurisdictional issues and requested that the Commission hear oral argument on these issues. Wormser and the IA sought review on the issue of whether the Commission can find patent infringement and grant a remedy based upon a contract for sale and imminent importation of an identifiable product.

The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.51 and 210.70(b) of the Commission's Rules of Practice and Procedure. (49 FR 46123 (Nov. 23, 1984); to be codified at 19 CFR 210.51 and 210.70(b)).

Copies of the Commission's Action and Order, the ALJ's orders and all other nonconfidential documents files in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161. The Commission's opinion in this matter will be issued shortly.

By order of the Commission.

Issued: July 18, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17567 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigative No. 337-TA-219]

Certain Porch, Patio and Lawn Gliders; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Sa'Di Bros. Co., Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding

officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on July 16, 1985.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

Issued: July 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–17565 Filed 7–23–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–220]

Certain Spring Retainers for Garage Door Hardware; Commission Decision Not To Review Initial Determination Terminating Respondent on the Basis of a Settlement Agreement and Terminating the Investigation

AGENCY: International Trade Commission.

ACTION: Decision not to review initial determination granting respondent's motion to terminate the investigation on the basis of a settlement agreement.

SUMMARY: The Commission has determined not to review the presiding administrative law judge's initial determination (ID) (Order No. 5) granting respondent's motion (Motion No. 220–3) to terminate the investigation on the basis of a settlement agreement. The ID, which was issued on June 11, 1985, terminates the investigation with respect to LCB Industries (LCB), the only respondent, and, therefore, terminates the entire investigation.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0079.

SUPPLEMENTARY INFORMATION: On May 31, 1985, respondent LCB moved for the termination of the investigation on the basis of a settlement agreement. Complainants Halco Spring & Manufacturing Co., Inc. and Holmes-Hally Industries filed a notice of concurrence joining the motion on June 3, 1985. The Commission investigative attorney also joined the motion on June 3, 1985. No petitions for review or comments from Government agencies or the public were received.

Authority for the Commission's action is contained in Commission rule 210.53 (49 FR 46123 (Nov. 23, 1984); to be codified at 19 CFR 210.53).

Copies of the ID and other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Issued: July 12,

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–17577 Filed 7–23–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–251 through 253 (Preliminary) and 731–TA–271 through 274 (Preliminary)]

Certain Welded Carbon Steel Pipes and Tubes From India, Taiwan, Turkey, and Yugoslavia

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary countervailing duty investigations Nos. 701–TA–251, 252, and 253 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India, Turkey, and Taiwan, respectively, of certain welded carbon steel pipes and tubes [1] which are alleged to be subsidized by those countries. As provided in section 703(a), the Commission must complete preliminary countervailing duty investigations in 45 days, or in this case by August 30, 1985.

The Commission also gives notice of the institution of preliminary antidumping investigations Nos. 731–TA–271, 772, 273 and 274 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India, Turkey, Taiwan, and Yugoslavia, respectively, of certain welded carbon steel pipes and tubes [1] which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by August 30, 1985.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201, as amended by 49 FR 32569, Aug. 15, 1984).

EFFECTIVE DATE: July 16, 1985.

FOR FURTHER INFORMATION CONTACT: Judith Zeck (202–523–0339), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

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[1] For purposes of these investigations, the term "certain welded carbon steel pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, 0.375 inch or more but not over 16 inches in outside diameter, provided for in items 610.3208, 610.3209, 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925 of the *Tariff Schedules of the United States Annotated (TSUSA)*. Prior to Apr. 1, 1984, these pipes and tubes were provided for in TSUSA items 610.3206, 610.3209, 610.3231, 610.3232, 610.3241, 610.3244 and 610.3247.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to petitions filed on July 16, 1985, by counsel for the individual producer members of the subcommittees on standard and line pipe of The Committee on Pipe and Tube Imports.

Participation in the Investigation

Persons wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c), as amended by 49 FR 32569, Aug. 15, 1984), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on August 7, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Judith Zeck (202–523–0339) not later than August 5, 1985 to arrange for their appearance. Parties in support of the imposition of countervailing and/or antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before August 12, 1985, a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8, as amended by 49 FR 32569, Aug. 15, 1984). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569, Aug. 15, 1984).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: July 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–17566 Filed 7–23–85; 8:45 am]

BILLING CODE 7020–02–M

[332–204]

Competitive Assessment of the U.S. Commuter and Business Aircraft Industries

AGENCY: International Trade Commission.

ACTION: Scheduling of public hearing and postponement of deadline for filing written submissions.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lakomirak, Machinery & Equipment Division, Office of Industries, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202–523–0131).

SUPPLEMENTARY INFORMATION:

Background

The Commission instituted the investigation on its own motion for the purpose of gathering information on the competitive position of the U.S. and foreign commuter and business aircraft industries. The study will assess the impact of the growing competition from imports on the U.S. commuter and business aircraft industries, explore the related development of further competition in overseas markets, and examine the steps taken in response to this increased competition.

Public Hearing

A public hearing in connection with investigation No. 332–204 has been scheduled for 10:00 a.m., on August 27, 1985, to be continued on August 28, 1985, if required, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C., 20436, not later than the close of business (5:15 p.m.), August 13, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs. The deadline for filing prehearing briefs is August 15, 1985.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested parties are invited to submit written statements concerning the investigation. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by Commission, written statements should be received no later than August 15, 1985. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Posthearing briefs must be submitted not later than the close of business on September 3, 1985. A signed original and 14 true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's Rules (19 CFR 201.8).

Hearing-impaired persons are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724–0002.

Notice of the Commission's institution of the investigation was published in the

Federal Register of January 23, 1985 (50 F.R. 3036).

Issued: July 15, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17576 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 303-TA-16 (Preliminary)]

Lime Oil From Peru

Determination

On the basis of the record[1] developed in the subject investigation, the Commission determines, pursuant to section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), that there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or that the establishment of an industry in the United States is materially retarded,[2] by reason of imports from Peru of lime oil, provided for in item 452.38 of the Tariff Schedules of the United States, which are allegedly subsidized by the Government of Peru.

Background

On May 29, 1985, a petition was filed with the Commission and the Department of Commerce on behalf of Parman Kendall, Inc., Goulds, FL, alleging that an industry in the United States is materially injured or threatened with material injury by reason of duty-free imports from Peru of lime oil which are subsidized by the Government of Peru. Accordingly, effective May 29, 1985, the Commission instituted preliminary countervailing duty investigation No. 303-TA-16 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 5, 1985 (50 FR 23778). The conference was held in Washington, DC, on June 21, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission's determination in this investigation was made in an open "Government in the Sunshine" meeting held on July 10, 1985.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on July 15, 1985. The views of the Commission are contained in USITC Publication 1723 (July 1985), entitled "Lime Oil from Peru: Determination of the Commission in Investigation No. 303-TA-16 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: July 17, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17570 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Report to the President on Investigation No. TA-201-55]

Nonrubber Footwear

Determination

On the basis of information developed during the course of investigation No. TA-201-55, the Commission determines that footwear, provided for in terms 700.05 through 700.45, inclusive 700.56, 700.72 through 700.83, inclusive, and 700.95 of the Traffic Schedules of the United States (hereafter referred to as nonrubber footwear), is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.[1]

Background

The Commission instituted the present investigation effective December 31, 1984, following receipt of a resolution by the Senate Committee of Finance. The Committee's resolution requested an investigation under section 201(b)(1) of the Trade Act of 1974 to determine "whether increasing imports of nonrubber footwear are a substantial cause of serious injury or the threat thereof to the domestic industry producing a like or directly competitive product." The Committee's resolution, and this investigation, cover all footwear provided for in items 700.05 through 700.45, inclusive 700.56, 700.72 through 700.83 inclusive, and 700.95 of the Tariff Schedules of the United States.

The Commission gave notice of this investigation and of a public hearing to be held in connection with the investigation by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 30, 1985 (50 FR 4278). A public hearing was held in Washington, DC, on April 16-18, 1985, and all persons who requested the opportunity were permitted to appear in person or through counsel.

This report is being furnished to the President in accordance with section 201(d)(1) of the Trade Act. The information in the report was obtained from fieldwork and interviews by members of the Commission's staff, responses to Commission questionnaires, information from other Federal agencies, testimony at the public hearing, briefs submitted by interested parties, the Commission's files, and other sources.

The Commission transmitted its determination in this investigation to the President on July 1, 1985. The views of the Commission are contained in USITC Publication 1717 (July 1, 1985), entitled "Nonrubber Footwear: Report to the President on Investigation No. TA-201-55 Under Section 201 of the Trade Act of 1974."

Issued: July 1, 1985.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17569 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-127, 128, and 129 (Preliminary) (Remand)]

Thin Sheet Glass From Switzerland, Belgium, and the Federal Republic of Germany

Determination

Based upon the petition filed in Investigations Nos. 731-TA-127-129 (Preliminary),[1] the Commission

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[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairwoman Stern determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury.

[1] Commissioners Eckes, Lodwick, and Rohr determine that such footwear is being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles. Chairwoman Stern and Vice Chairman Liebeler determine that such footwear is being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing articles like or directly competitive with the imported articles.

[1] Pursuant to the order of the U.S. Court of International Trade (CIT) in Jeannette Sheet Glass Corp. v. United States, 607 F. Supp. 123 (1985), the Commission has made its redetermination consistent with the standards set forth in Republic Steel Corp. v. United States, 591 F. Supp. 640 (1984), *motion for reconsideration denied*, —F. Supp.—, slip op. 85-27 (March 11, 1985). Thus, we have based our determinations solely on the allegations contained in the petition.

determines[2] that as of May, 1983, the date of the Commission's initial determination regarding thin sheet glass from Belgium, Switzerland and the Federal Republic of Germany, there is a reasonable indication that an industry in the United States producing regular quality thin sheet glass in materially injured or threatened with material injury by reason of imports allegedly sold at less than fair value (LTFV). The determination in this matter is made pursuant to the order of the U.S. Court of International Trade entered March 22, 1985, in *Jeannette Sheet Glass Corp.* v. *United States.*[3]

Background

On March 16, 1983, counsel for Jeannette Sheet Glass Corp. filed a petition with the Commission and the Department of Commerce alleging that imports of thin sheet glass from Switzerland, Belgium, and the Federal Republic of Germany are being sold in the United States at LTFV, and that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Accordingly, effective March 16, 1983, the Commission instituted preliminary investigations under section 733(a) of the Act (19 U.S.C. 1673b(a)).

On May 2, 1983, the Commission[4] determined that there was no reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of regular quality thin sheet glass from Belgium, Switzerland, and the Federal Republic of Germany.[5] On May 17, 1983, Jeannette Sheet Glass Corp. appealed the Commission's determinations to the U.S. Court of International Trade (CIT).

On March 22, 1985, the CIT remanded the case to the Commission and ordered the Commission to (1) reconsider its preliminary negative determinations respecting material injury and threat of material injury in conformity with the standard for preliminary determinations set forth in *Republic Steel* and in conformity with the court's decision in this case, and (2) report its findings and redeterminations to the court within thirty days after the date of entry of the order.

In conformity with the court's order, the Commission has applied the *Republic Steel* standard and considered whether the petition raises the possibility of material injury or threat of material injury.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 12, 1985. The views of the Commission are contained in USITC Publication 1727 (July 1985), entitled "Thin Sheet Glass from Switzerland, Belgium, and The Federal Republic of Germany: Determinations of the Commission in Investigations Nos. 731-TA-127, 128, and 129 (Preliminary) (Remand) Under the Tariff Act of 1930, Together With the Petition Filed in These Investigations."

Issued: July 19, 1985.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17568 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-194]

Certain Aramid Fiber; Commission Decision To Review Initial Determination and Affirm Administrative Law Judge; Schedule for Filing of Written Submissions on Remedy, the Public Interest, and Bonding; Extension of Administrative Deadline for Completion of Investigation

AGENCY: International Trade Commission.

ACTION: Commission Decision to Review Initial Determination and Affirm Administrative Law Judge.

SUMMARY: Notice is hereby given that the Commission determined to review a portion of the presiding administrative law judge's (ALJ) initial determination (ID) that there is a violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation. The Commission determined to review the ID and affirm the ALJ with respect to his determination that U.S. Letters Patent 3,767,756 (the '756 patent) is valid. The Commission determined not to review the remainder of the ID. Thus the Commission has concluded that there is a violation of section 337 in this investigation.

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and in §§ 210.52-210.56 of the Commission's Rules of Practice and Procedure. (49 FR 46123 (Nov. 23, 1984); to be codified at 19 CFR 210.53-210.56).

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of the General Counsel, United States International Trade Commission, telephone 202-523-0189.

SUPPLEMENTARY INFORMATION: On May 9, 1985, the presiding administrative law judge (ALJ) issued an initial determination (ID) finding that there is a violation of section 337 of the Tariff Act of 1930 in the unauthorized importation into the United States, and in the sale of certain aramid fibers manufactured abroad by a process which, if practiced in the United States, would infringe claim 13 of the '756 patent, with the tendency to substantially injure an industry, efficently and economically operated, in the United States.

On June 3, 1985, respondents AKZO N.V., ENKA B.V., ARAMIDE MAATSCHAPPIJ v.o.f., and AKZONA, Inc. (collectively referred to as Akzo) filed a petition for review of this ID. Complainant E.I. Du Pont de Nemours and Company (Du Pont) and the Commission investigative attorneys (IA) filed responses opposing Akzo's petition for review on June 10, 1985. The Commission did not receive any comments from Government agencies.

Written Submissions

Inasmuch as the Commission has found that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United Staters and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of relief, if any, which should be ordered. In addition, the parties making written submissions should address the following issues: (1) Should any exclusion order that the Commission may issue cover articles incorporating aramid fiber produced abroad by means of a process that infringes the '756 patent, (2) possible procedures for identifying such articles, and (3) any other potential problems in enforcing such an order. In addition, written submissions should address the issue of whether a hearing before the ALJ and/or the Commission is necessary on the

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[2] Vice Chairman Liebeler, Commissioner Lodwick, and Commission Rohr did not participate in the Commission's prior investigation.

[3] Chairwoman Stern affirms her earlier decision that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of thin sheet glass from Belgium, Switzerland and the Federal Republic of Germany allegedly sold at less than fair value. Chairwoman Stern notes, however, that she based her prior determinations on the record as a whole that was developed during that investigation.

[4] Commissioners Eckes and Haggart.

[5] Commissioner Stern dissenting.

issues of remedy, the public interest, and bonding.

If the Commission contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions concerning the effect, if any, that granting relief would have on the public interest.

If the Commission orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond which should be imposed.

The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submission addressing the issues of remedy, the public interest, and bonding. Written submissions on remedy, the public interest, and bonding must be filed not later than the close of business on the day which is fourteen (14) days after publication of this notice in the **Federal Register**. Reply written submissions must be filed not later than the close of business on the day which is twenty-one (21) days after publication of this notice in the **Federal Register**.

Extension of Administrative Deadline

The Commission has previously declared this investigation more complicated and extended the administrative deadline by 10 weeks, i.e., until August 1, 1985, 49 FR 4618 (1984). Because of the relatively short time remaining before expiration of that deadline and the need to make findings on the remedy, public interest, and bonding issues, the Commission has extended the administrative deadline for completion of this investigation to October 1, 1985.

Commission Hearing

The Commission will decide whether a public hearing is necessary in this investigation after reviewing the written submissions on remedy, the public interest, and bonding.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadline stated above. Any persons desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the ALJ. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of May 23, 1984.

Copies of the Commission's Action and Order, its Opinion, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

Issued: July 15, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17575 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-206 (Final)]

Fabric And Expanded Neoprene Laminate From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from Japan of fabric and expanded neoprene laminate, provided for in items 335.81, 335.82, 359.50, and 359.60 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective March 15, 1985, following a preliminary determination by the Department of Commerce that imports of fabric and expanded neoprene laminate from Japan were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 24, 1985 (50 FR 16165). The hearing was held in Washington, DC, on June 11, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on July 12, 1985. The views of the Commission are contained in USITC Publication 1721 (July 1985), entitled "Fabric and Expanded Neoprene Laminate from Japan: Determination of the Commission in Investigation No. 731-TA-206 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: July 16, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17573 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-201 (Final)]

Molded Pulp Egg Filler Flats From Canada

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is not materially injured, nor threatened with material injury, nor is the establishment of an industry in the United States materially

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairwoman Stern and Vice Chairman Liebeler dissenting.

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

retarded, by reason of imports from Canada of molded pulp egg filler flats, classified under item 256.70 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective Januany 16, 1985, following a preliminary determination by the Department of Commerce that imports of molded pulp egg filler flats from Canada were sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 21, 1985 (50 FR 7238). A notice revising the Commission's schedule for the conduct of the investigation was published in the **Federal Register** of March 6, 1985 (50 FR 4135). The hearing was held in Washington, DC, on June 13, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on July 15, 1985. The views of the Commission are contained in USITC Publication 1724 (July 1985), entitled "Molded Pulp Egg Filler Flats from Canda: Determination of the Commission in Investigation No. 731-TA-201 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation.

Issued: July 16, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-17574 Filed 7-23-85; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. MC-F-16291]

Aluminum Company of America—Continuance in Control—Rea Magnet; Corrected Notice [1]

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Aluminum Company of America (Alcoa), a non-carrier holding company and Rea Magnet Wire Company, Inc. (Rea Magnet), a wholly-owned subsidiary which seeks initial carrier authority under Docket No. MC-183733, have filed a petition for exemption under 49 U.S.C. 11343(e) to allow Alcoa to continue in control of Rea Magnet upon Rea Magnet obtaining motor carrier status. Alcoa presently controls four short-line railroads, the Bauxite and Northern Railway Company, the Massena Terminal Railroad Company, the Point Comfort and Northern Railway Company, and the Rockdale Sandow & Southern Railroad Company as well as two motor carriers, the Buckeye Molding Company (Buckeye) (No. MC-153900) and the Penn Way Trucking Company (Penn Way) MC-180522). Approval for Alcoa's existing control of Buckeye and Penn Way was obtained in prior proceedings docketed as Nos. MC-F-15741 and MC-F-16017 respectively. As a result of Alcoa's continued control of Rea Magnet, once the latter becomes a regulated carrier, Alcoa will then be in control of seven common carriers. Continuance in control of a carrier, by a person that is not a carrier but that controls any number of carriers, may be carried out only under Commission regulation or under an exemption from regulation. See 49 U.S.C. 11343(a)(5) 11343(e).

DATES: Comments must be received by August 2, 1985.

ADDRESSES: Send comments (an original plus 10 copies) referring to Docket No. MC-F-16291 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative: Paula J. Jesion, Esq., Sullivan & Associates, 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Alcoa and Rea Magnet seek exemption under 49 U.S.C. 11343(e) and the Commission's regulation in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property, Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

A copy of the petition may be obtained from petitioners' representative, or it may be inspected at the Washington, DC office of the Interstate Commerce Commission during normal business hours.

Decided: July 19, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-17626 Filed 7-23-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. MC-F-16372]

Burlington Northern Inc.—Control Exemption—Monkem Company, Inc.; Corrected Notice [1]

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Burlington Northern Inc. (BNI), a noncarrier holding company which controls Burlington Northern Railroad Company (BNRR), a class I railroad, Burlington Northern Motor Carriers (BNMC), a wholly-owned noncarrier subsidiary of BNI, and Monkem Company, Inc. (Monkem) a motor carrier subject to Commission regulation, have filed a petition for exemption under 49 U.S.C. 11343(e) in connection with an agreement between BNMC and Monkem under which Monkem would become a wholly-owned subsidiary of BNMC. As a result of the transaction BNI would control two common carriers: Monkem and BNRR. Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers may be carried out only under Commission regulation or under an exemption from regulation. *See* 49 U.S.C. 11343(a)(5) and 11343(e).

DATE: Comments must be received by August 2, 1985.

ADDRESSES: Send comments (an original plus 10 copies) referring to Docket No. MC-F-16372 to:.

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and

[1] This Corrected Notice clarifies the dates for filing comments.

[1] This corrected notice clarifies the dates for filing comments.

(2) Petitioner's representative: Herbert J. Martin, Esq., Crowell & Moring, 1100 Connecticut Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: BNI, BNMC, and Monkem seek exemption under 49 U.S.C. 11343(e) and the Commission's regulation in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemption Filed by Motor Carriers of Property Under 49 U.S.C. 11343, 367 I.C.C. 113 (1983)*, 47 FR 53303 (November 24, 1982).

A copy of the petition may be obtained from petitioners' representative, or it may be inspected at the Washington, DC office of the Interstate Commerce Commission during normal business hours.

Decided: July 19, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-17627 Filed 7-23-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program Unemployment Insurance Program Letter Interpreting the Work-Training and Work-Relief Exemption

Section 3304(a)(6)(A) of the Federal Unemployment Tax Act (FUTA) requires, as one of several conditions for certain tax credits to employers, that employees of State and local government entities and certain nonprofit organizations be covered by State unemployment insurance (UI) laws. However, section 3309(b)(5), FUTA permits exemptions from this mandatory coverage for participants in unemployment work-relief and work-training programs.

Since this exemption was enacted in Federal law, issues and questions have arisen in several States as to what constitutes an unemployment work-relief or work-training program. We have addressed those issues and questions as they arose several times over the years.

However, in recognition of the need for a more formal statement of the criteria, the Department proposes to issue an Unemployment Insurance Program Letter (UIPL). Comments on the UIPL may be submitted in writing on or before 45 days from the date of publication of this Notice in the **Federal Register.**

Submit comments to Carolyn M. Golding, Director, Unemployment Insurance Service, U.S. Department of Labor, Room 7112, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

Dated: July 17, 1985.

Roberts T. Jones,

Acting Deputy Assistant Secretary of Labor.

CLASSIFICATION: UI.
CORRESPONDENCE SYMBOL: TEURL.
Expiration Date: March 31, 1987.

Directive: Unemployment Insurance Program Letter No.
To: All State Employment Security Agencies
From: Barbara Ann Farmer Acting Administrator for Regional Management
Subject: Interpretations of section 3309(b)(5), FUTA, Work-Relief or Work-Training Program Exceptions to Section 3304(a)(6)(A), FUTA, Coverage Requirement

1. *Purpose.* To provide an interpretation of section 3309(b)(5) of the Federal Unemployment Tax Act (FUTA) which permits an exception to coverage requirements of section 3304(a)(6)(A), FUTA, for services performed as part of an unemployment work-relief or work-training program by individuals receiving such work-relief or work-training.

2. *References.* Sections 3304(a)(6)(A), 3309(a), 3309(b)(5), 3306(c)(7), and 3306(c)(8) of the Federal Unemployment Tax Act (FUTA).

3. *Background.* Section 3304(a)(6)(A), FUTA, requires State unemployment insurance (UI) laws to provide for coverage of services to which section 3309(a)(1), FUTA, applies. Section 3309(a)(1), FUTA, applies to services performed for certain nonprofit organizations and to practically all services for State and local government entities, with certain permitted exceptions to both requirements. Section 3309(b)(5), FUTA, states one of those exceptions. If an unemployment work-relief or work-training program is assisted or financed in whole or in part by any Federal agency or an agency of a State or a political subdivision of a State, then services performed as part of such programs by individuals receiving work-relief or work-training *may* be exempted by State law from the mandatory UI coverage requirement. States are not precluded from covering such services; they are simply not required to provide such coverage in their laws as a condition for conformity with section 3304(a)(6)(A), FUTA.

Over the years, questions have arisen many times about what constitutes a work-relief or work-training program for purposes of this exemption. State legislation has sometimes presented potential issues based on an incomplete understanding of the work-relief exemption. It is apparent that an interpretation of the exemption provided by section 3309(b)(5), FUTA, is needed.

4. *Interpretation.* As Federal law provides, an unemployment work-relief or work-training program must be assisted or financed in whole or in part by a Federal or State agency or a political subdivision of a State before services performed by individuals receiving such work relief or work training may be exempted from coverage.

A. In order to qualify for the exemption provided by section 3309(b)(5), FUTA, an unemployment work-relief or work-training program must have as a minimum the following characteristics:

(1) There is an employer-employee relationship which is not based on normal economic considerations;

(2) Qualifications for the jobs take into account as indispensable factors the economic and social status of the applicants;

(3) The products or services are secondary to providing financial assistance, training, or work-experience to individuals to relieve them of their unemployment or povery, or to reduce their dependence upon various measures of relief, even though the work may be meaningful or serve a useful public purpose, and

(4) The program is financed or assisted in whole or in part by a Federal agency or a State or a political subdivision thereof.

B. Such an unemployment work-relief or work-training program will also have one or more of the following characteristics:

(1) The wages, hours, and conditions of work are not necessarily commensurate with those prevailing in the locality for similar work;

(2) The jobs did not, or rarely did, exist before the program began (other than under similar programs);

(3) The services furnished, if any, are in the public interest and are not otherwise provided by the employer or its contractors; and

5. *Action Required.* State employment security agencies should take the actions appropriate to assure that the State's UI law is consistent with Federal requirements as interpreted herein.

6. *Inquiries.* Direct questions to the appropriate regional office.

[FR Doc. 85-17546 Filed 7-23-85; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted on or before August 23, 1985.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Service Offices, Room 202, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506 (202) 786-0233 or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503 (202) 935-7316.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202) 786-0233 from whom copies of the form and supporting documents are available.

SUPPLEMENTARY INFORMATION:

Category: Extension of OMB Expiration Date
Title: NEH Performance Reporting Requirements
Form Number: n/a
Frequency of Collection: Varies—Occasional, Quarterly, Semi-Annually and Annual
Respondents: All NEH Grantees
Use: Provide information on project expeditures
Estimated Number of Respondents: 3,000 maximum
Estimated Hours for Respondents to Provide Information: 3

This entry is not subject to 44 U.S.C. 3504(h).

Susan Metts,

Acting Director of Administration.

[FR Doc. 85-17561 Filed 7-23-85; 8:45 am]

BILLING CODE 7536-01-M

National Endowment for the Humanities; Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before August 23, 1985.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202) 786-0233 or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503 (202) 395-7316.

FOR FURTHER INFORMATION CONTACT: Ms. Foreman, National Endowment forf the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania, Avenue, NW., Washington, D.C. 20506 (202) 786-0233 from who copies of the form and supporting documents are available.

SUPPLEMENTARY INFORMATION:

Category: Extension of OMB Expiration Date
Title: NEH Final Financial Status Report
Form Number: n/a
Frequency of Collection: Occasional (at end of grant)
Respondents: All NEH Institutional Grantees, at their option
Use: Provide information on project expenditures
Estimated Number of Respondents: 3,000 maximum
Estimated House of Respondents to Provide Information: 1

This entery is not subject to 44 U.S.C. 3504 (h).

Susan Metts,

Acting Director of Administration.

[FR Doc. 85-17562 Filed 7-23-85; 8:45 am]

BILLING CODE 7536-01-M

National Endowment for the Humanities; Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endownment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted August 23, 1985.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Managment Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202) 786-0233 or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503 (202) 395-7316.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Wasington, D.C 20506 (202) 786-0233 from whom copies of the form and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: New
Title: Office of Preservation Guidelines and Application Instructions
Form Number: Not Applicable
Frequency of Collection: Collection occur twice yearly, according to application deadlines. (Once per application)
Respondents: Humanities institutions and individuals applying for funding for projects involving the preservation of research resources in the humanities
Use: To describe and to justify the preservation objectives and

methodologies used in a project so that competing applications for funding can be evaluated in the peer review process.

Estimated Number of Respondents: 110

Estimated Hours for Respondents to Provide Information: 38

Susan Metts,

Acting Director of Administration.

[FR Doc. 85-17448 Filed 7-23-85; 8:45 am]

BILLING CODE 7536-01-M

Design Arts Advisory Panel (Overview Section) meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Overview Section) to the National Council on the Arts will be held on August 8, 1985, from 9:00 a.m.-5:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of the meeting will be open to the public on August 8, 1985, from 9:30 a.m.-2:00 p.m. and from 3:00 p.m.-5:00 p.m. The topics for discussion will be Budget History, FY 85 Projects, Five-Year Plan and FY 87 Guidelines.

The remaining session of this meeting on August 8, 1985, from 2:00 p.m.-3:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of the section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

July 19, 1985.

[FR Doc. 85-17547 Filed 7-23-85; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269 et al.]

Arkansas Power and Light Co. (Arkansas Nuclear One, Unit No. 1) et al; Request for Action Under 10 CFR 2.206

Notice is hereby given that, by a Petition dated June 11, 1985, John F. Doherty requested issuance of an order under 10 CFR 2.202 to the licensees of the following Babcock and Wilcox facilities to show cause why the operating licenses for those facilities should not be suspended or revoked until the problem identified in IE Information Notice 85-38 is resolved: Arkansas Nuclear One, Unit No. 1; Rancho Seco Nuclear Generating Station; Crystal River Unit No. 3 Nuclear Generating Plant; Oconee Nuclear Station, Units Nos. 1, 2 and 3; and Three Mile Island Nuclear Station, Unit 1. The IE Notice concerned loose parts which had been found to obstruct certain control rod drive mechanisms at the Davis-Besse facility of the Toledo Edison Company.

The Petition is being treated pursusnt to 10 CFR 2.206 of the Commission's regulations and, accordingly, appropriate action will be taken on the request within a reasonable time. A copy of the Petition is available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document room for each affected facility as follows:

Arkansas Nuclear One, Unit No. 1, Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Rancho Seco Nuclear Generating Station, Sacramento City-County Library, 828 I Street, Sacramento, California

Crystal River Unit No. 3 Nuclear Generating Plant, Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida

Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina

Three Mile Island Nuclear Station, Unit No. 1, Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburgh, Pennsylvania 17126

Dated at Bethesda, Maryland, this 17th day of July 1985.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85-17585 Filed 7-23-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co. (Big Rock Point Plant); Exemption

I

The Consumers Power Company (the licensee) is the holder of Facility Operating License No. DPR-6 which authorizes the operation of the Big Rock Point Plant, located in Charlevoix County, Michigan. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.44(c)(3)(iii) of 10 CFR Part 50 requires, among other things, that high point vents be provided for the reactor coolant system, for the reactor vessel head, and for other systems required to maintain adequate core cooling if the accumulation of noncondensible gases would cause the loss of function of these systems. Section 50.44(c)(3)(iii) requires that these vents be provided by the end of the first scheduled outage beginning after July 1, 1982 and that the outage be of sufficient duration to permit required modifications. The existing Reactor Depressurization System (RDS) at Big Rock Point is capable of venting both the reactor coolant system and the reactor vessel. However, the emergency condenser at Big Rock Point is the highest point of the reactor coolant system and would not function if it were filled with noncondensible gases. By letter dated July 1, 1982, Consumers Power Company notified the NRC that high point vents had been installed on the emergency condenser, that preoperational testing had not been completed, and that further analysis had shown the usefulness of high point vents to be limited.

Subsequently, by letter dated April 19, 1983, the licensee requested an exemption to 10 CFR 50.44(c)(3)(iii) such that the required schedule for installation of the high point vents would be extended for the Big Rock Point Plant. The licensee also asked for an exemption from the requirement to install high point vents on the emergency condenser. The schedular exemption was granted by the NRC on August 12, 1983, and extended the

schedule for installation of high point vents until the first scheduled outage which begins after the completion of the Systematic Evaluation Program Integrated Assessment for Big Rock Point. This exemption now addresses the need to install high point vents at Big Rock Point.

The licensee's April 19, 1983 submittal gave the following explanation of why high point vents on the emergency condenser should not be required for Big Rock Point based upon the unique design of the plant.

10 CFR 50.44(c)(3)(iii) and NUREG–0737, Item II.B.1 require that remotely operated high point vents be provided for systems required to maintain adequate core cooling following small-break LOCA's if the accumulation of non-condensible gases would cause the loss of function of these systems, e.g., isolation condensers. At Big Rock Point, the emergency condenser is used for heat removal in the case of loss of the normal condenser, e.g., a loss of off-site power. However, the emergency condenser is not used, nor is any credit taken for its use, following core uncovery and actuation of the reactor depressurization system (RDS). . . . A small-break LOCA results in actuation of the RDS. For accidents that result in generation of non-condensible gases, the RDS would vent these gases to the containment building. The RDS and post-incident system provide the heat removal capability in this situation. The emergency condenser is not needed, or is not designed to be used during core damage situations in which the RDS is actuated.

The NRC reviewed the licensee's justification during the Big Rock Point Integrated Assessment. In order to generate significant amounts of hydrogen, the reactor core must become uncovered for a substantial period of time. After venting of noncondensibles, the emergency condenser could still not be used to cool the core unless reactor water level was restored to cover the core and system pressure remained high so that steam temperatures were substantially higher than emergency condenser shell side cooling water. Since the Big Rock Point Plant has no high pressure injection system, there is little possibility of recovering reactor water level while reactor coolant system pressure remains high since the low head core spray pumps could not inject water into the system at pressure. In accidents of this type at Big Rock Point, the reactor depressurization system (RDS) would be actuated to vent the primary system to the containment building. The RDS is single-failure proof and consists of four separate vent paths, three of which must function to reduce pressure rapidly enough to assure that the low pressure core spray pumps can provide adequate core cooling. However, the actuation of any one of the four values would vent all noncondensibles from the reactor vessel and reactor coolant system. The opening of a single valve would ultimately reduce reactor pressure to the point at which the core spray pumps could provide cooling water, but some core damage would have already occurred. Thus, the staff agrees with the licensee's conclusion that the emergency condenser is not likely to be useful in accidents which might result in the generation of noncondensible gas. The staff concludes that an exemption to 10 CFR 50.44(c)(3)(iii) should be granted such that the installation of high point vents on the emergency condenser is not required at Big Rock Point.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants an exemption from the requirement of 10 CFR 50.44(c)(3)(iii) that high point vents be installed on the emergency condenser.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (July 8, 1985, 50 FR 27865).

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 17th day of July 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Division of Licensing.

[FR Doc. 85–17586 Filed 7–23–85; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, CE 407–4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Criticality Safety for Handling, Storing, and Transporting LWR Fuel Outside Reactors" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to provide guidance on procedures acceptable to the NRC staff for preventing criticality accidents in operations involving light water reactor fuel outside reactors. This draft guide endorses ANSI/ANS–8.17–1984, "Criticality Safety Criteria for the Handling, Storage, and Transportation of LWR Fuel Outside Reactors."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, by September 20, 1985.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 18th day of July 1985.

Guy A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 85-17587 Filed 7-23-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 22-85]

Treasury Notes of July 31, 1987, Series X-1987

Washington, July 18, 1985.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,250,000,000 of United States securities, designated Treasury Notes of July 31, 1987, Series X-1987 (CUSIP No. 912827 SM 5), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1 The Notes will be dated July 31, 1985, and will accrue interest from that date, payable on a semiannual basis on January 31, 1986, and each subsequent 6 months on July 31 and January 31 through the date that the principal becomes payable. They will mature July 31, 1987, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, July 24, 1985. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, July 23, 1985, and received no later than Wednesday, July 31, 1985.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent

to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Wednesday, July 31, 1985. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, July 29, 1985. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Wednesday, July 31, 1985. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-17545 Filed 7-23-85; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 142
Wednesday, July 24, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Tuesday, July 23, 1985.

LOCATION: Room 456, Westwood Towers Building, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: FY 87 priorities.

The Commission will continue its consideration of the Fiscal Year 87 priorities.

The Commission decided that agency business required holding this meeting without the normal advance notice.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

July 19, 1985.

[FR Doc. 85–17603 Filed 7–19–85; 4:29 pm]

BILLING CODE 6350–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is herby given that at 4:38 p.m. on Thursday, July 18, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Eskridge State Bank, Eskridge, Kansas, which was closed by the State Bank Commissioner for the State of Kansas on Thursday, July 18, 1985; (2) accept the bid for the transaction submitted by Flint Hills Bank of Eskridge, Eskridge, Kansas, a newly-chartered state nonmember bank; (3) approve the applications of Flint Hills Bank of Eskridge, Eskridge, Kansas, for Federal deposit insurance and for consent to purchase certain assets and assume the liability to pay deposits made in Eskridge State Bank, Eskridge, Kansas; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B) Adopt a resolution making funds available for the payment of insured deposits made in the First National Bank of Darrouzett, Darrouzett, Texas, which was closed by the Senior Deputy Comtroller for National Operations, Office of the Comtroller of the Currency, on Thursday, July 18, 1985.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a close meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5) U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 19, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–17659 Filed 2–22–85; 2:43 pm]

BILLING CODE 6714–01–M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 11:00 a.m., Monday, July 29, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of computers within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: July 19, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–17602 Filed 7–19–85; 4:28 pm]

BILLING CODE 6210–01–M

4

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 30, 1985.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED: FY 1987 Budget.

CONTACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275–7252.

James H. Bayne,

Secretary.

[FR Doc. 85–17601 Filed 7–19–85; 4:27 pm]

BILLING CODE 7035–01–M

5

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 2:00 p.m., Wednesday, July 31, 1985.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED: Ex Parte 320 (Sub-No. 3), Product and Geographic Competition.

CONTACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren,

Office of Public Affairs. Telephone: (202) 275-7252.

James H. Bayne,

Secretary.

[FR Doc. 85-17600 Filed 7-19-85; 4:27 pm]

BILLING CODE 7035-01-M

6

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, July 31, 1985.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED: Ex Parte 445 (Sub-No. 1)—Intramodal Rail Competition.

CONTACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275-7252.

James H. Bayne,

Secretary

[FR Doc. 85-17599 Filed 7-19-85; 4:27 pm]

BILLING CODE 7035-01-M

Federal Register

Wednesday
July 24, 1985

Part II

Federal Emergency Management Agency

Federal Policy on Distribution of Potassium Iodide Around Nuclear Power Sites for Use as a Thyroidal Blocking Agent; Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Policy on Distribution of Potassium Iodide Around Nuclear Power Sites for Use as a Thyroidal Blocking Agent

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Issuance of Federal Policy—correction.

SUMMARY: The Federal Radiological Preparedness Coordinating Committee (FRPCC) is publishing this notice to provide guidance to State and local agencies responsible for radiological emergency planning and preparedness regarding the distribution of potassium iodide for use as a thyroidal blocking agent by the general public in the vicinity of nuclear power plants. The Federal Emergency Management Agency (FEMA) chairs the FRPCC, thereby assuming the responsibility for this publication.

In FR Doc. 85–14810 beginning on page 25624 in the issue of Thursday June 20, 1985, the statement of Federal Policy was inadvertently not included. The complete policy is stated herein. In addition, a portion of the Supplementary Information has been deleted because it was inconsistent with previously published Food and Drug Administration policy.

FOR FURTHER INFORMATION CONTACT: Gerard W. Smith, Technological Hazards Division, Office of National and Technological Hazards Programs, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472 202–646–2869.

SUPPLEMENTARY INFORMATION:

Background

This guidance on distribution of potassium iodide as a thyroidal blocking agent to the general public in the vicinity of nuclear power plants is part of a Federal interagency effort coordinated by the Federal Emergency Management Agency (FEMA) for the Federal Radiological Preparedness Coordinating Committee (FRPCC). FEMA issued a final regulation in the Federal Register of March 11, 1982, (47 FR 10758), which reflected governmental reorganizations and reassigned agency responsibilities for radiological incident emergency response planning. 44 CFR 351 A responsibility assigned to the Department of Health and Human Services (HHS) and in turn delegated to the Food and Drug Administration (FDA) is the responsibility to provide guidance to State and local governments on the use of radioprotective substances and prophylactic use of drugs (e.g. potassium iodide) to reduce radiation dose to specific organs including dosage and projected radiation exposures at which such drugs should be used.

In the **Federal Register** of June 29, 1982 (47 FR 28158), FDA published recommendations for State and local agencies regarding the projected radiation dose to the thyroid gland at which State and local health officials should consider the use of potassium iodide.

The guidance published here contains the rationale on the use of potassium iodide for emergency workers and institutionalized individuals. It also incorporates the considerations that should be made in deciding to implement the distribution and use of potassium iodide for the general population. The decisions on distribution and use of potassium iodide for thyroidal blocking to protect the public health and safety resides with the State and, in some cases, local health authorities. It suggests that any decision by State and local authorities to use potassium iodide should be based on the site environment and conditions at the time of an emergency for the specific operating commercial nuclear power plant and should include detailed plans for distribution, administration, and medical assistance.

The Federal position with regard to the predistribution or stockpiling of potassium iodide for use by the general public is that it should not be required.

Policy on Distribution of Potassium Iodide Around Nuclear Power Sites for Use as a Thyroidal Blocking Agency

The purpose of this document is to provide Federal policy and guidance with regard to distribution of potassium iodide (KI) and its usage as a thyroid blocking agent around operating nuclear power sites. The issue has been addressed in terms of two components of the population that might require or desire potassium iodide use: (1) Emergency workers and institutionalized individuals, and (2) general population. This guidance is advisory to State and local governments who, within the limits of their authority, should consider these recommendations in the development of emergency plans and in determining appropriate actions to protect the general public. In summary, the policy recommends the stockpiling or distribution of KI during emergencies for emergency workers and institutionalized persons, but does not recommend requiring predistribution or stockpiling for the general public. The bases for these recommendations are given below. It is recognized, however, that options on the distribution and use of KI rests with the States, and hence, the policy statement permits State and local governments, within the limits of their authority, to take measures beyond those recommended or required nationally.

The U.S. Nuclear Regulatory Commission (NRC) and the *Federal Emergency Management Agency (FEMA) have already issued guidance* to State and local authorities as well as licensees of operating commercial nuclear power plants in NUREG–0654/FEMA–REP–1, Rev. 1, *recommending* the *stockpiling* and *distribution* during emergencies of KI for thyroidal blocking *to emergency workers* and to *institutionalized individuals.* That recommendation is endorsed as an available protective action in the event of an incident at a nuclear power plant. Thyroid blocking for emergency workers and institutionalized individuals was recommended because:

(1) These individuals would be more likely to be exposed to the radioiodine in an airborne radioactive release from the plant in the event of an accident;

(2) The number of individuals involved at any site is relatively small and requires a limited supply of KI that can be readily distributed;

(3) The storage, distribution, and administration of KI can be readily controlled;

(4) The known sensitivity to potassium iodide of this limited number of individuals can be reviewed; and

(5) These individuals can be readily monitored for adverse side effects by medical personnel.

The Federal position with regard to the predistribution or stockpiling of potassium iodide for use by the general public is that it should not be required. While valid arguments may be made for the use of KI, the preponderance of information indicates that a nationwide requirement for the predistribution or stockpiling for use by the general public would not be worthwhile. This is based on the ability to evacuate the general population and the cost effectiveness of a nationwide program which has been analyzed by the NRC and DOE National Laboratories (NUREG/CR–1433). While the use of KI can clearly provide additional protection in certain circumstances, the assessment of the effectiveness of KI and other protective actions and their implementation problems indicates that the decision to use KI (and/or other protective actions) should be made by the States and, if appropriate, local authorities on a site specific basis.

It is important to stress that the use of potassium iodide in a radiation emergency is not a panacea in that it does not block the uptake of other radionuclides and does not protect against external radiation. Furthermore, its use needs to be balanced against the cost and effectiveness of other protective measures such as sheltering and evacuation. This recommendation is made in full recognition of the potential positive effects of the drug action by the FDA permitting KI over-the-counter sales, and the authority of State and local health officials to elect to distribute and use the drug based on the specific needs of individual sites.

The use of KI is effective as a thyroidal blocking agent in reducing accumulation by the thyroid gland of radioiodine which has entered the body through inhalation or ingestion. Radioiodine accumulation in the thyroid can be reduced to less than 10 percent of what it would be without a blocking agent by a daily oral intake of (130 milligrams for adults, 65 milligrams for infants) KI providing administration is started before or immediately after the exposure to the radioiodine, and treatment continues for at least 48 hours beyond the time of the last exposure. This effectiveness decreases to less than 50 percent blocking of the radioiodine uptake, if administration of the KI is delayed until 4 hours after an acute ingestion or inhalation.

It is recognized that the *options on distribution and use* of KI for thyroidal blocking to protect the public health and safety *resides with* the *State* and, *in some cases, local health authorities.* Therefore, with the exception of Federal agency and utility personnel, the decision for use of KI during an actual emergency by the general public is the responsibility of these authorities. In deciding whether to distribute and use KI for the general population, *these authorities must consider a number of factors.*

One of the considerations in deciding whether to implement the distribution and use of KI for the general population is that KI blocking effectively reduces the radiation exposure of only the thyroid gland. While this is an important contribution to the health and safety of the individual, it is not nearly as effective as measures which protect the total body of the individual from radioactivity. Both in-place sheltering and precautionary evacuations can reduce the exposure to the thyroid and total body. The use of KI for thyroidal blocking is not an effective means by itself for protecting individuals from the radioactivity in an airborne release resulting from a nuclear power plant accident and, therefore, should only be considered in conjunction with sheltering, evacuation, or other protective methods.

The Food and Drug Administration (FDA) has evaluated the medical and radiological risks of administering KI for thyroidal blocking under these emergency conditions and has concluded that it is safe and effective and has approved over-the-counter sale of the drug for this purpose. FDA guidance states that risks from the short term use of relatively low doses of KI for thyroidal blocking in a radiation emergency are outweighed by the risks of radioiodine induced thyroid nodules or cancer at a projected dose to the thyroid gland of 25 rem or greater. Since FDA has authorized the nonprescription sale of KI, it is *legally available to individuals who,* based on their own personal analysis, *choose to have the drug immediately available.*

Other considerations and problems to be evaluated by the State and local authorities in deciding whether to institute this program include: (1) Whether the KI should be distributed to the population before an accident occurs or as soon as possible after an accident occurs; (2) whether the risks of exposure to radioactivity will be lower if the evacuation of the general population is initiated or if the general population is sheltered and the administration of KI initiated; (3) how the KI will be distributed during the emergency; (4) what medical assistance will be available to assist the individuals who may have some adverse reaction to KI; (5) how medical authorities will advise the population to take KI and under what circumstances this advice will be given; (6) if KI is predistributed, what assumptions should be made about its actual availability and use in the event of an incident; (7) how the authorities will provide KI to transient populations; and (8) whether use of other respiratory protection (e.g., dust masks, or breathing through wet towels) may be equally effective, especially in conjunction with sheltering.

In summary, the use of KI to prevent radioidine from accumulating in the thyroid gland can be an effective ancillary protective action during a nuclear power plant accident. However, many factors make stockpiling and/or pre-distribution to the general public questionable. Whether KI should be stockpiled and distributed to the general public around a particular site depends on local conditions. Additionally, decisions on its use or the use of alternative protective measures during an emergency depends on accident and environmental conditions that may prevail at the time. Any decision by State and local authorities to use KI should be based on the conditions and site environment for the specific operating commercial nuclear power plant and should include detailed plans for distribution, administration, and medical assistance. The following reference are intended to assist State and local authorities in decisions related to use of KI.

1. National Council on Radiation Protection and Measures (NCRP), Protection of the Thyroid Gland in the Event of Releases of Radioiodine. NCRP Report No. 55, August 1, 1977.

2. Food and Drug Administration (HEW), Potassium Iodide as a Thyroid-Blocking Agent in a Radiation Emergency. 43 FR 58798, December 15, 1978.

3. Halperin, J.A., B. Shleien, S.E. Kahana, and J. M. Bilstad, Background Material for the Development of the Food and Drug Administration's Recommendations on Thyroid-Blocking with Potassium Iodide, FDA 81–8158, U.S. Dept. of Health and Human Services (March 1981).

4. Food and Drug Administration, Potassium Iodide as a Thyroid-Blocking Agent in a Radiation Emergency: Final Recommendations on Use. (Notice of Availability) 47 FR 28158, June 29, 1982.

5. Food and Drug Administration, Potassium Iodide as a Thyroid-Blocking Agent in a Radiation Emergency: Recommendations on Use. (April 1982) *Prepared by the Bureau of Radiological Health and Bureau of Drugs, Food and Drug Administration, Department of Health and Human Services.*

6. Nuclear Regulatory Commission, Examination of the Use of Potassium Iodide (KI) As an Emergency Protective Measure for Nuclear Reactor Accidents (NUREG/CR–1433, March 1980). Prepared by Sandia National Laboratories for the NRC.

Richard W. Krimm,

Chairman, Federal Radiological Preparedness Coordinating Committee.

[FR Doc. 85–17171 Filed 7–23–85; 8:45 am]

BILLING CODE 6718–01–M

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Federal Register

Vol. 50, No. 142

Wednesday, July 24, 1985

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Code of Federal Regulations

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Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

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United States Government Manual 523-5230

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Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JULY

26961-27212	1
27213-27408	2
27409-27570	3
27571-27812	5
27813-27926	8
27927-28092	9
28093-28190	10
28191-28362	11
28363-28554	12
28555-28756	15
28757-28894	16
28895-29202	17
29203-29366	18
29367-29628	19
29629-29934	22
29935-30126	23
30127-30260	24

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305	28363

3 CFR

Administrative Orders:

Memorandums:

July 17, 1985	29631

Presidential Determinations:

No. 85-16 of July 12, 1985	29629

Executive Orders:

11888 (Amended by EO 12524)	27409
12470 (Revoked by EO12525)	28757
12523	26963
12524	27409
12525	28757
12526	29203

Proclamations:

5356	26961
5357	29935
5358	30127

5 CFR

630	29937
771	26965
1201	28895

Proposed Rules:

532	28583, 28584

7 CFR

Ch. IV	27927
2	29367
52	26965, 29635
54	27571
226	26972
301	28366
400	26976
402	28367
800	30129
908	27411, 27928, 28898
910	27813, 28372, 28555, 29628
911	28373
915	28373, 28556
916	27813, 28373
917	27813, 28373
918	28373
921	27411, 28373
922	28373
923	28373
924	28373
930	27213, 28373
944	28556
967	28373
979	26976
985	28373
991	26977, 27814
1040	27412
1136	29637
1205	30131
1421	29639
1427	26978
1435	27413
1941	27414
1944	27415
1945	27414, 27416
3015	28759

Proposed Rules:

Ch. IV	27971
Ch. X	27003
29	27288
51	27004, 30199
417	27601
800	28104, 29985
801	29689
802	29689
907	29405
908	29405
910	28105
920	27288
967	28210
989	30200
999	28585
1032	30203
1036	30204
1050	30203
1124	27972
1240	28404
1427	29693
1930	28782
1944	28782
1965	28782

8 CFR

238	29641
287	30133
316a	27816

Proposed Rules:

103	27289
341	28586
343a	28587

9 CFR

78	28899
91	27929, 29205
92	27928, 28557
94	28560, 28900
318	27573, 28374

Proposed Rules:

94	27973

10 CFR

9	27214
50	29937
60	29641

Proposed Rules:

50	27006, 28815
440	29620

11 CFR

Proposed Rules:
110 29232

12 CFR

403 27215
611 27930
617 27931
723 27417

Proposed Rules:
561 ..... 27290, 28588, 29985
563 ..... 27290, 28588, 29985
571 ..... 27290, 28588

13 CFR

121 27418
302 27419

Proposed Rules:
107 29532
108 27754

14 CFR

21 29945
39 ..... 26979, 27575, 27576, 27931–27933, 28093, 28094, 28561–28563, 28766, 29648–29651
71 ..... 26980, 27934, 28564, 28565, 28900–28902, 30134
97 ..... 27934, 29653
108 ..... 27924, 28884
121 29306
135 29306

Proposed Rules:
39 ..... 27009, 27012, 27601, 27602, 28815, 29694, 29988
71 ..... 27013, 27014, 27528, 28588–28591, 28316, 28950, 29407, 30206
75 27014
91 ..... 28950, 30124

15 CFR

19 27577
90 28767
368–399 (See EO 12525) 28757, 29205
370 29205
376 ..... 27420, 29205
378 29205
385 29205
386 29205
399 27420

Proposed Rules:
303 29232
911 28816

16 CFR

3 28095
4 28095
13 ..... 26981, 27578, 28374, 28902
453 ..... 28062, 28081
703 27936

Proposed Rules:
13 ..... 28592, 28951, 29696, 29699

17 CFR

1 ..... 30135, 30140
3 28907
200 ..... 28385, 29368
239 27937
240 ..... 27937, 27940, 28385
249 ..... 27937, 29948
270 ..... 27937, 28930
274 ..... 27937, 29368
275 29206
288 ..... 26981, 27947

Proposed Rules:
210 ..... 27973, 28953, 29409
229 29409
230 28404
239 29409
240 ..... 27829, 27976, 27981, 28106, 28210, 28219, 28404, 29409
250 27981
259 27981
270 ..... 27982, 29409

18 CFR

37 ..... 29655, 30141
154 30141
157 27816
389 27816

Proposed Rules:
2 28954
35 27604
37 30207
154 28954
157 28954
161 28954
271 28221
284 28954
290 27604

19 CFR

4 ..... 26981, 29949
10 29949
12 27947
19 29949
24 29949
103 29949
113 29949
134 29949
141 29949
142 27816
143 29949
145 29949
148 29949
152 29949
162 29949
171 29949
173 29949
178 27947
191 29949

Proposed Rules
162 27829
177 27831

20 CFR

200 ..... 27222, 29957
401 ..... 28565, 30144
422 28565
626 27818
627 27818
628 27818
629 27818
630 27818

Proposed Rules:
404 ..... 27615, 29435
416 ..... 27615, 29435
674 29606

21 CFR

101 26984
173 29208
176 ..... 29657, 30144
177 30144–30146
178 ..... 30147, 30148
179 29658
182 30149
184 30149
436 29209
510 28395
520 ..... 27818, 28768
524 30152
558 ..... 27421, 27422, 28768, 28931, 28932
801 30153
812 28932
1308 ..... 28098, 28395

Proposed Rules:
Ch. 1, Subchapter C 28594
2 30210
81 29702
109 29233
110 29233
146 29702
170 ..... 27294, 29235
201 ..... 27016, 29702
211 ..... 27016, 29702
225 29233
226 29233
357 ..... 27552, 28595
433 29702
500 29233
509 29233
514 ..... 27016, 29702
559 ..... 27016, 29702
561 27452
610 28595
660 28595
680 30211
1002 ..... 27024, 29704

22 CFR

501 27422
1502 28932
1504 28934

23 CFR

825 29209
1325 28191

24 CFR

200 28197
201 30154
203 ..... 28197, 30154
234 30154
885 28197
3282 28396

25 CFR

Proposed Rules:
61 27456

26 CFR

1 ..... 27222, 27231, 27427, 29369–29376, 29959, 30160
31 29964
48 29959
138 29959
602 ..... 27222, 27231, 29369, 29376, 29959, 29964, 30160

Proposed Rules:
1 ..... 27297, 27456, 27457, 28409, 29435, 29436
31 29990
51 27621
602 29436

27 CFR

4 27819
9 29967
170 28572

Proposed Rules:
9 28409

28 CFR

0 28769
2 28101
16 28199
32 27428

Proposed Rules:
30 28955

29 CFR

70 28306
1952 ..... 27233, 28770, 29210, 29659

Proposed Rules:
33 ..... 27298, 28956
89 29606
1910 27307

30 CFR

700 28186
701 28186
785 28186
827 28186
901 29379
902 28592
943 28186
948 ..... 28316, 28324

Proposed Rules:
56 27566
57 ..... 27566, 29437
700 28180
701 28180
785 28180
817 27910
827 28180
913 27025
917 ..... 28222, 29235
926 29235
935 ..... 29437, 29438
936 27461
944 28107
948 28343
950 ..... 28595, 29438, 29704

31 CFR

4 29221
51 26987
103 27821
500 27435
505 27435
515 27435
520 27435
535 27435
540 27435

32 CFR

Parts 1–39 26987
199 26988
642 28573
657 28573
706 28398–28400
726 28401

33 CFR

100 ..... 27579, 28573, 29221–29223
110 ..... 26988, 27580, 29224
117 ..... 26989, 27582, 29670–29672
150 26989
165 ..... 27583, 29225
166 26989

Proposed Rules:
110 ..... 27622, 27623, 28596
117 ..... 27026, 27029, 27624, 27832, 27990, 27991, 29236

34 CFR

19 ... 28101
75 ... 29328
76 ... 29328
304 ... 29328
425 ... 29352
426 ... 29352
431 ... 29352
432 ... 29352

Proposed Rules:

369 ... 28412
376 ... 28412

35 CFR

101 ... 26990
103 ... 26990
121 ... 26990

36 CFR

254 ... 29673
1200 ... 27196
1202 ... 27196
1228 ... 27951
1250 ... 27196

37 CFR

201 ... 30169
202 ... 30169

Proposed Rules:

1 ... 27030, 28596

38 CFR

1 ... 29226
3 ... 27584
21 ... 27825, 29674

Proposed Rules:

3 ... 28224
17 ... 29990
36 ... 27833

39 CFR

3 ... 29380
10 ... 27827
601 ... 28941
3001 ... 28144

Proposed Rules:

111 ... 27992
3001 ... 27308

40 CFR

51 ... 27892
52 ... 26991, 27244–27247, 28544, 29229, 29381, 29383
60 ... 27248
61 ... 27248
81 ... 28574
86 ... 27250, 29384
123 ... 28202
147 ... 28941, 28942
158 ... 28943
162 ... 28943
180 ... 28944–28946, 30172
260 ... 28702
261 ... 28702
262 ... 28702
264 ... 28702
265 ... 28702
266 ... 28702
270 ... 28702
271 ... 28702
280 ... 28702
419 ... 28516
600 ... 27172
761 ... 29170
763 ... 28530

Proposed Rules:

52 ... 27030, 27462, 28224, 28415, 28596, 28598, 28818, 29237, 29439
86 ... 28818
180 ... 27463, 28108, 28956, 28957
202 ... 27321
205 ... 27321
260 ... 29992
262 ... 29992
264 ... 29992
265 ... 29992
270 ... 29992
403 ... 29705
414 ... 29068
416 ... 29068
600 ... 27188
798 ... 30213
799 ... 30213

41 CFR

Chs. 1–49 ... 26987
101–4 ... 28402
101–17 ... 28577
101–40 ... 27951
101–41 ... 29972
101–47 ... 28402
105–54 ... 28203
105–63 ... 26992
201–1 ... 27142
201–2 ... 27142, 28208
201–8 ... 27142
201–11 ... 27142
201–16 ... 27142
201–20 ... 27142
201–21 ... 27142
201–22 ... 28208
201–23 ... 27142
201–24 ... 27142
201–26 ... 27142
201–30 ... 27142, 28208
201–31 ... 27142, 28208
201–32 ... 27142, 28208
201–38 ... 27142
201–39 ... 27142, 28208
201–40 ... 27142, 28208
201–45 ... 28208

Proposed Rules:

101–41 ... 27625, 27626

42 CFR

400 ... 28577
405 ... 27722, 30172
412 ... 27208, 27722, 30172
416 ... 28577
435 ... 28577

Proposed Rules:

23 ... 27465
405 ... 27469
412 ... 27469

43 CFR

2 ... 29230
5470 ... 28947

Public Land Orders:

5150 (Revoked in part by PLO 6607) ... 27827
5179 (Revoked in part by PLO 6607) ... 27827
5180 (Revoked in part by PLO 6607) ... 27827
5186 (Revoked in part by PLO 6607) ... 27827
6389 (Corrected by PLO 6608) ... 28208
6607 ... 27827
6608 ... 28208

Proposed Rules:

2800 ... 27322
5400 ... 29324
5440 ... 29324

44 CFR

64 ... 26993, 26994, 28947
67 ... 30173

Proposed Rules:

67 ... 27322, 29992
302 ... 27627, 28959

45 CFR

1180 ... 27584, 27586

Proposed Rules:

405 ... 27406
412 ... 27406
1620 ... 27326

46 CFR

153 ... 26996

Proposed Rules:

160 ... 27628
355 ... 29440

47 CFR

0 ... 27952
22 ... 27953
68 ... 27250, 29384
73 ... 27287, 27438, 27954, 29392, 29393, 30187
74 ... 29394
76 ... 27438, 29394
81 ... 27968
83 ... 27968, 29231

Proposed Rules:

Ch. I ... 28418, 29440
15 ... 30213
73 ... 27629, 29446–29453
97 ... 29454

48 CFR

7 ... 27560
12 ... 27969
15 ... 27560, 28103
19 ... 27560
33 ... 27969
34 ... 27560
52 ... 27560, 27969
209 ... 28209
217 ... 29675
504 ... 26996
515 ... 28578
522 ... 28578
533 ... 26998
552 ... 27589, 28948, 29402
553 ... 27589
570 ... 27589
2801 ... 29798
2804 ... 29798
2806 ... 29798
2807 ... 29798
2808 ... 29798
2809 ... 29798
2810 ... 29798
2814 ... 29798
2815 ... 29798
2827 ... 29798
2830 ... 29798
2831 ... 29798
2834 ... 29798
2835 ... 29798
2852 ... 29798
6101 ... 27969, 29231

Proposed Rules:

208 ... 28227
252 ... 28227

49 CFR

571 ... 27451, 29676
1104 ... 30188
1105 ... 30188
1151 ... 30188
1152 ... 30188
1155 ... 30188
1160 ... 30188
1180 ... 30188

Proposed Rules:

Ch. X ... 27031
71 ... 28959
171 ... 28820
175 ... 28820
531 ... 29912
571 ... 27032, 27632, 27633, 28426, 28599, 29993
1132 ... 27834
1241 ... 29706

50 CFR

17 ... 26999, 29338–29345, 30188
33 ... 29972
215 ... 27914
285 ... 29403
611 ... 29681
658 ... 28103
661 ... 30195
663 ... 30195
672 ... 28560, 28581, 29681
674 ... 28103
681 ... 30198

Proposed Rules:

17 ... 27637, 27992, 28821, 28870–28878, 28959, 29238, 29900, 29901
20 ... 27638, 29706
611 ... 28960, 29240
630 ... 27470
642 ... 29709
650 ... 29240
651 ... 29241
655 ... 28109
662 ... 27470
663 ... 28960
675 ... 29240

LIST OF PUBLIC LAWS

Last List July 22, 1985

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

S.J. Res. 154/Pub. L. 99-67

To designate July 20, 1985, as "Space Exploration Day". (July 19, 1985; 99 Stat. 165) Price: $1.00

H.R. 1373/Pub. L. 99-68
To designate the wilderness in the Point Reyes National Seashore in California as the Phillip Burton Wilderness. (July 19, 1985; 99 Stat. 166)
Price: $1.00